

STATUTES AND REGULATIONS

RELATING TO THE PRACTICES OF

.....

PROFESSIONAL CLINICAL COUNSELING

MARRIAGE AND FAMILY THERAPY

EDUCATIONAL PSYCHOLOGY

CLINICAL SOCIAL WORK

.....



ISSUED BY:

BOARD OF BEHAVIORAL SCIENCES

1625 NORTH MARKET BLVD., SUITE S-200
SACRAMENTO, CA 95834

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JANUARY 2017

KIM MADSEN
EXECUTIVE OFFICER

THE STATUTES AND REGULATIONS IN THIS BOOKLET

REFLECT CHANGES MADE THROUGH

January 1, 2017

NEW / AMENDED LAWS

The following statutes and regulations have been amended:

NEW / AMENDED LAWS	
Section Number	Change
114.5	If a board allows military training/experience to apply toward licensing requirements, that board must post this information on its web site.
4980.09	Changes MFT “intern” title to “associate,” effective 1/1/18.
4980.36	Clarifies that degrees accredited by regional <u>or national</u> accrediting agencies recognized by USDE are acceptable.
4980.37	Clarifies that degrees accredited by regional <u>or national</u> accrediting agencies recognized by USDE are acceptable.
4980.40.5	This section was deleted, as it is no longer needed.
4980.43	Clarifies that associates and trainees shall not be employed or gain experience as independent contractors and/or work reported on an IRS 1099 form.
4980.74	Changes basis of out-of-state education from where applicant resided, to the location of the school instead.
4980.78	Changes required practicum “counseling hours” to “experience counseling individuals, couples, families, or groups.” Clarifies that degrees <u>from regional or national</u> accrediting agencies recognized by USDE are acceptable.
4980.79	Changes required practicum “counseling hours” to “experience counseling individuals, couples, families, or groups.” Clarifies that degrees <u>from regional or national</u> accrediting agencies recognized by USDE are acceptable.
4980.81	Clarifies psychological testing and psychopharmacology coursework requirement for out-of-state MFT applicants.
4990	Extends the Board’s sunset date to January 1, 2021.
4990.04	Extends the Board’s sunset date to January 1, 2021.
4990.22	Makes a minor, technical amendment.
4992.05	Corrects a title reference so that it is consistent with other similar references in statute.
4996.18	Revises language to state that applicants are not eligible to take the <u>clinical</u> exam until their school has received accreditation.
4996.23	Clarifies that associates shall not be employed or gain experience as independent contractors and/or work reported on an IRS 1099 form.
4996.3	Clarifies that maximum clinical exam fee stated in statute is only for board-administered exam.
4999.12	Clarifies that degrees accredited by regional or national accrediting agencies recognized by USDE are acceptable.
4999.12.5	Changes PCC “intern” title to “associate,” effective 1/1/18.
4999.32	Requires practicum to involve direct client contact and deletes equivalencies; prohibits out-of-degree remediation of “assessment” and “diagnosis” core content areas.
4999.33	Requires practicum to involve direct client contact and deletes equivalencies; prohibits out-of-degree remediation of “assessment” and “diagnosis” core content areas.
4999.40	Requires LPCC applicants to provide a program certification to the Board.
4999.47	Clarifies that associates and trainees shall not be employed or gain experience as independent contractors and/or work reported on an IRS 1099 form.
4999.52	Removes reference to expired LPCC grandparenting provision.
4999.54	Deletes this section (LPCC grandparenting) as it is expired and no longer necessary.
4999.60	Updates a section reference that has changed.

4999.61	Changes basis of out-of-state education from where applicant resided, to the location of the school instead. Updates a section reference that has changed.
4999.62	Changes required practicum “counseling” to “supervised clinical experience counseling individuals, families, or groups.” Prohibits out-of-degree remediation of “assessment” and “diagnosis” core content areas.
4999.63	Changes required practicum “counseling” to “supervised clinical experience counseling individuals, families, or groups.” Prohibits out-of-degree remediation of “assessment” and “diagnosis” core content areas.
4999.120	Deletes a fee related to the grandparenting period, as it is expired and no longer needed.

***THIS BOOKLET DOES NOT CONTAIN CHANGES MADE AFTER
January 1, 2017.***

**Please refer to the board's website (www.bbs.ca.gov)
for any changes made after this date.**

TABLE OF CONTENTS

BUSINESS AND PROFESSIONS CODE OF CALIFORNIA

CHAPTER 13. LICENSED MARRIAGE AND FAMILY THERAPISTS	11
ARTICLE 1. REGULATION	11
§4980. NECESSITY OF LICENSE.....	11
§4980.01. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES	11
§4980.02. PRACTICE OF MARRIAGE, FAMILY AND CHILD COUNSELING; APPLICATION OF PRINCIPLES AND METHODS.....	12
§4980.03. DEFINITIONS	12
§4980.04. LICENSED MARRIAGE AND FAMILY THERAPIST ACT	13
§4980.08. LICENSE TITLE NAME CHANGE	13
§4980.09. REGISTRANT TITLE NAME CHANGE; EFFECTIVE JANUARY 1, 2018	13
§4980.10. ENGAGING IN PRACTICE	14
§4980.30. APPLICATION FOR LICENSE; PAYMENT OF FEE	14
§4980.31. DISPLAY OF LICENSE	14
§4980.34. LEGISLATIVE INTENT	14
§4980.35. OBLIGATION TO PROVIDE COMPLETE AND ACCURATE APPLICATION; DUTIES OF BOARD	14
§4980.36. QUALIFYING DEGREE PROGRAM FOR LICENSURE OR REGISTRATION; BEGINNING GRADUATE STUDY AFTER AUGUST 1, 2012 OR COMPLETING GRADUATE STUDY AFTER DECEMBER 31, 2018	15
§4980.37. QUALIFYING DEGREE PROGRAM FOR LICENSURE OR REGISTRATION; BEGINNING GRADUATE STUDY BEFORE AUGUST 1, 2012 AND COMPLETING GRADUATE STUDY BEFORE DECEMBER 31, 2018	19
§4980.38. NOTIFICATION TO STUDENTS OF DESIGN OF DEGREE PROGRAM; CERTIFICATION OF FULFILLMENT OF REQUIREMENTS	21
§4980.39. ADDITIONAL COURSEWORK; INOPERATIVE JANUARY 1, 2019	22
§4980.395. ADDITIONAL CONTINUING EDUCATION REQUIREMENT	22
§4980.397. REQUIRED EXAMINATIONS	22
§4980.398. EXAMINATION RESTRUCTURE TRANSITION SCENARIOS.....	23
§4980.399. CALIFORNIA LAW AND ETHICS EXAMINATION	23
§4980.40. QUALIFICATIONS.....	24
§4980.41. ELIGIBILITY TO SIT FOR LICENSING EXAMINATIONS; COURSEWORK OR TRAINING; INOPERATIVE JANUARY 1, 2019	24
§4980.42. TRAINEES' SERVICES	26
§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES.....	26
§4980.44. UNLICENSED INTERN; QUALIFICATIONS; NOTICE TO CLIENT OR PATIENT; ADVERTISEMENTS	29
§4980.45. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS	29
§4980.46. FICTITIOUS BUSINESS NAMES	30
§4980.48. TRAINEES; NOTICE TO CLIENTS OF UNLICENSED STATUS; ADVERTISEMENTS.....	30
§4980.49. CLIENT RECORDS: RETENTION	30
§4980.50. EXAMINATION; ISSUANCE OF LICENSE; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION	31
§4980.54. CONTINUING EDUCATION	32
§4980.55. DISCLOSURE OF COUNSELOR'S QUALIFICATIONS	33
§4980.57. CONTINUING EDUCATION FOR SPOUSAL OR PARTNER ABUSE	33
§4980.60. RULES AND REGULATIONS	33
§4980.70. ADDITIONAL PERSONNEL	33
§4980.72. RECIPROCITY; EQUIVALENT REQUIREMENTS	34
§4980.74. EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA	34
§4980.76. DEGREE OBTAINED OUTSIDE THE UNITED STATES	34
§4980.78. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS NOT LICENSED OUTSIDE OF CALIFORNIA	35
§4980.79. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS LICENSED	

OUTSIDE OF CALIFORNIA	36
§4980.81. ADDITIONAL COURSEWORK REQUIREMENTS FOR OUT-OF-STATE APPLICANTS	38
ARTICLE 2. DENIAL, SUSPENSION, AND REVOCATION.....	40
§4982. UNPROFESSIONAL CONDUCT	40
§4982.05. ENFORCEMENT STATUTE OF LIMITATIONS	42
UNCODIFIED LAW RELATING TO SECTION 4982.05	43
§4982.1. MENTAL ILLNESS OR CHEMICAL DEPENDENCY; GROUNDS FOR REFUSAL TO LICENSE OR REGISTER	43
§4982.15. PLACING OF LICENSE OR REGISTRATION ON PROBATION; CIRCUMSTANCES	43
§4982.25. DENIAL OF APPLICATION OR SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION; GROUNDS	43
§4982.26. DECISION CONTAINING FINDING THAT LICENSEE OR REGISTRANT ENGAGED IN SEXUAL CONTACT WITH PATIENT OR FORMER PATIENT; ORDER OF REVOCATION	44
§4982.3. CONDUCT OF PROCEEDINGS	44
ARTICLE 3. PENALTIES	44
§4983. VIOLATION; MISDEMEANOR; PUNISHMENT	44
§4983.1. INJUNCTION	44
ARTICLE 4. REVENUE	44
§4984. EXPIRATION OF LICENSES; RENEWAL OF UNEXPIRED LICENSES	44
§4984.01. INTERN REGISTRATION; DURATION; RENEWAL	45
§4984.1. RENEWAL OF EXPIRED LICENSES	45
§4984.2. RENEWAL OF SUSPENDED LICENSE; EFFECT OF RENEWAL	45
§4984.3. REVOKED LICENSE; REINSTATEMENT AFTER EXPIRATION	46
§4984.4. TIME LIMIT FOR RENEWAL AFTER EXPIRATION; NEW LICENSE	46
§4984.41. ISSUANCE OF A RETIRED LICENSE – MARRIAGE AND FAMILY THERAPIST	46
§4984.5. BOARD REPORT AND PAYMENT OF REVENUE.....	47
§4984.7. LICENSING AND EXAM FEES SCHEDULE.....	47
§4984.72. FAILED CLINICAL EXAMINATION; REEXAMINATION; NEW APPLICATION REQUIREMENT	48
§4984.75. ADDITIONAL LICENSE RENEWAL FEE; MENTAL HEALTH PRACTITIONER EDUCATION FUND.....	48
§4984.8. INACTIVE LICENSE	48
§4984.9. LICENSEE OR REGISTRANT NAME CHANGE	49
ARTICLE 6. MARRIAGE AND FAMILY THERAPIST CORPORATIONS.....	49
§4987.5. DEFINITION	49
§4987.6. UNPROFESSIONAL CONDUCT	49
§4987.7. NAME	49
§4987.8. DIRECTORS, SHAREHOLDERS AND OFFICERS; NECESSITY OF LICENSE	49
§4988. INCOME FOR PROFESSIONAL SERVICES NOT TO ACCRUE TO DISQUALIFIED SHAREHOLDERS	50
§4988.1. CORPORATE UNPROFESSIONAL CONDUCT	50
§4988.2. RULES AND REGULATIONS	50
ARTICLE 7. REVIEW	50
§4989. POWERS AND DUTIES OF BOARD; DATE OF REVIEW.....	50
CHAPTER 13.5. LICENSED EDUCATIONAL PSYCHOLOGISTS	51
ARTICLE 1. GENERAL.....	51
§4989.10. EDUCATIONAL PSYCHOLOGIST PRACTICE ACT	51
§4989.12. ADMINISTRATION AND ENFORCEMENT OF CHAPTER.....	51
§4989.13. ENGAGING IN PRACTICE	51
§4989.14. SCOPE OF PRACTICE	51
§4989.16. LICENSING EXCEPTIONS	52
§4989.18. RULES OF PROFESSIONAL CONDUCT	52
ARTICLE 2. LICENSURE	52

§4989.20. LICENSURE REQUIREMENTS	52
§4989.22. EXAMINATION	53
§4989.24. CONVICTION INVOLVING SEXUAL ABUSE OF CHILDREN	53
§4989.26. GROUNDS FOR REFUSAL TO ISSUE LICENSE; MENTAL ILLNESS OR CHEMICAL DEPENDENCY	53
§4989.28. DENIAL OF APPLICATION FOR UNPROFESSIONAL CONDUCT	53
ARTICLE 3. RENEWAL AND CONTINUING EDUCATION	53
§4989.30. EXPIRATION OF LICENSE	53
§4989.32. RENEWAL OF UNEXPIRED LICENSE	54
§4989.34. CONTINUING EDUCATION REQUIREMENTS	54
§4989.36. RENEWAL OF EXPIRED LICENSE	55
§4989.38. RENEWAL OF SUSPENDED LICENSE	55
§4989.40. EXPIRATION AND REINSTATEMENT OF REVOKED LICENSE	55
§4989.42. TIME LIMIT FOR RENEWAL AFTER EXPIRATION; NEW LICENSE	55
§4989.44. INACTIVE LICENSE	55
§4989.45. ISSUANCE OF A RETIRED LICENSE – LICENSED EDUCATIONAL PSYCHOLOGIST	56
ARTICLE 4. REGULATION	57
§4989.46. NAME CHANGE REQUIREMENTS	57
§4989.48. DISPLAY OF LICENSE	57
§4989.49 ADVERTISING	57
§4989.50. NECESSITY OF LICENSE; UNAUTHORIZED REPRESENTATION AS A LICENSEE	57
§4989.51. CLIENT RECORDS: RETENTION	57
§4989.52. COMPENSATION IN RELATION TO PROFESSIONAL COUNSELING SERVICES	57
ARTICLE 5. ENFORCEMENT.....	58
§4989.54. UNPROFESSIONAL CONDUCT	58
§4989.56. REVOCATION OF LICENSE; USE OF DRUGS IN PRACTICE	60
§4989.58. REVOCATION OF LICENSE DUE TO SEXUAL CONTACT WITH A CLIENT	60
§4989.60. PROHIBITED ACTIVITIES PENDING REINSTATEMENT OF LICENSE	60
§4989.62. CONDUCT OF DISCIPLINARY PROCEEDINGS	60
§4989.64. ISSUANCE OF INJUNCTION OR OTHER ORDER TO RESTRAIN CONDUCT	60
§4989.66. VIOLATION OF CHAPTER; MISDEMEANOR	61
ARTICLE 6. REVENUE.....	61
§4989.68. FEE SCHEDULE	61
§4989.70. REPORTING REVENUE TO CONTROLLER; DEPOSIT TO STATE TREASURY	61
CHAPTER 13.7. BOARD OF BEHAVIORAL SCIENCES	62
ARTICLE 1. ADMINISTRATION	62
§4990. BOARD MEMBERS	62
§4990.02. DEFINITION OF “BOARD”	62
§4990.04. EXECUTIVE OFFICER.....	63
§4990.06. EMPLOYEES.....	63
§4990.08. RECORDS OF PROCEEDINGS, APPLICANTS AND LICENSEES	63
§4990.09. INTERNET PUBLICATION OF FINAL DETERMINATION; TIME LIMIT	63
§4990.10. RESEARCH, STUDIES AND RECOMMENDATIONS	63
§4990.12. ADMINISTRATION AND ENFORCEMENT OF CHAPTERS; POWERS AND DUTIES OF BOARD AND EXECUTIVE OFFICER.....	63
§4990.14. BOARD SEAL	64
§4990.16. PROTECTION OF THE PUBLIC	64
§4990.18. LEGISLATIVE INTENT; BOARD RESOURCES	64
§4990.20. RULES AND REGULATIONS; ARTICLES OF INCORPORATION AND CORPORATE INSURANCE	64
§4990.22. BEHAVIORAL SCIENCES FUND; REVENUE; SURPLUSES	65
§4990.24. REVIEW OF POWERS AND DUTIES OF BOARD.....	65

§4990.26. BOARD NAME.....	65
ARTICLE 2. DISCIPLINARY ACTIONS.....	65
§4990.28. GROUNDS FOR REFUSAL TO ISSUE LICENSE OR REGISTRATION; MENTAL ILLNESS OR CHEMICAL DEPENDENCY	65
§4990.30. PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY.....	65
§4990.31. PETITION REQUEST; DENIAL WITHOUT HEARING.....	67
§4990.32. ENFORCEMENT STATUTE OF LIMITATIONS	67
§4990.33. DISCIPLINARY ACTION: LICENSE STATUS CHANGE	68
§4990.34. PLACING LICENSE OR REGISTRATION ON PROBATION; MONITORING PROGRAM.....	68
§4990.36. TRAINING OR EXAMINATION AFTER PROBATION OR SUSPENSION.....	68
§4990.38. DISCIPLINARY ACTION; GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION.....	68
§4990.40. REVOCATION OF LICENSE OR REGISTRATION DUE TO SEXUAL CONTACT WITH A PATIENT	69
§4990.42. CONDUCT OF PROCEEDINGS	69
CHAPTER 14. SOCIAL WORKERS	70
§4991. CLINICAL SOCIAL WORKER PRACTICE ACT	70
§4991.1. ENGAGING IN PRACTICE.....	70
§4991.2. DEFINITION OF ACCREDITED SCHOOL OF SOCIAL WORK.....	70
ARTICLE 2. APPLICATION OF CHAPTER.....	70
§4992. LICENSE APPLICATION; FEES.....	70
§4992.05. REQUIRED EXAMINATIONS.....	70
§4992.07. EXAMINATION RESTRUCTURE TRANSITION SCENARIOS	71
§4992.09. CALIFORNIA LAW AND ETHICS EXAMINATION	71
§4992.1. ELIGIBILITY FOR EXAMINATION; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION.....	72
§4992.2 ADVERTISING	72
§4992.3. UNPROFESSIONAL CONDUCT; EFFECT ON LICENSEE OR REGISTRANT.....	73
§4992.33. DECISION CONTAINING FINDING THAT LICENSEE OR REGISTRANT ENGAGED IN SEXUAL CONTACT WITH PATIENT OR FORMER PATIENT; ORDER OF REVOCATION	75
§4992.35. GROUNDS FOR REFUSAL TO LICENSE OR REGISTER; MENTAL ILLNESS OR CHEMICAL DEPENDENCY	75
§4992.36. DISCIPLINARY ACTION; GROUNDS FOR APPLICATION DENIAL OR LICENSE OR REGISTRATION SUSPENSION OR REVOCATION	75
§4992.4. CONDUCT OF PROCEEDINGS.....	75
§4992.5. TIME AND PLACE OF EXAMINATIONS.....	76
§4992.7. FALSE STATEMENTS OR IMPERSONATION IN CONNECTION WITH APPLICATION OR EXAMINATION; MISDEMEANOR	76
§4992.8. LICENSEE OR REGISTRANT NAME CHANGE	76
§4992.10. FICTITIOUS BUSINESS NAME	76
§4993. CLIENT RECORDS: RETENTION	76
ARTICLE 4. LICENSURE	76
§4996. NECESSITY OF LICENSE; UNAUTHORIZED REPRESENTATION AS LICENSEE; MISDEMEANOR	76
§4996.1. ISSUANCE OF LICENSE.....	77
§4996.2. QUALIFICATIONS OF LICENSEES	77
§4996.3. LICENSING AND EXAM FEES	78
§4996.4. FEE FOR REEXAMINATION.....	78
§4996.5. SCOPE, FORM AND CONTENT OF LICENSE	79
§4996.6. DURATION OF LICENSE; RENEWAL; EXPIRED LICENSE	79
§4996.65 ADDITIONAL LICENSE RENEWAL FEE; MENTAL HEALTH PRACTITIONER EDUCATION FUND.....	80
§4996.7. DISPLAY OF LICENSE	80
§4996.8. DISPLAY OF CURRENT RENEWAL RECEIPT	80
§4996.9. CLINICAL SOCIAL WORK AND PSYCHOTHERAPY DEFINED	80
§4996.10. APPLICATION OF ARTICLE ONLY TO CLINICAL SOCIAL WORKERS	80
§4996.11. SUSPENSION OR REVOCATION OF LICENSE; GROUNDS; CONDUCT OF PROCEEDINGS	80
§4996.12. VIOLATIONS; PENALTIES	81

§4996.13. OTHER PROFESSIONAL GROUPS; WORK OF PSYCHOSOCIAL NATURE; IMPERMISSIBLE REPRESENTATIONS	81
§4996.14. EMPLOYEES OF CERTAIN ORGANIZATIONS; ACTIVITIES OF PSYCHOSOCIAL NATURE	81
§4996.15. PERFORMANCE OF PSYCHOSOCIAL WORK BY PERSONS IN ACADEMIC INSTITUTIONS, GOVERNMENT AGENCIES OR NONPROFIT ORGANIZATIONS; SOCIAL WORK INTERN	82
§4996.16. PERSONS FROM OUT OF STATE; CLINICAL SOCIAL WORK SERVICES IN THIS STATE	82
§4996.17. ACCEPTANCE OF EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA	82
§4996.18. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION; EMPLOYMENT; SUPERVISION; CREDIT	84
§4996.19. LICENSED CLINICAL SOCIAL WORKERS' CORPORATION; APPLICATION OF ARTICLE	85
§4996.22. CONTINUING EDUCATION EFFECTIVE JANUARY 1, 2004	86
§4996.23. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 2002	87
§4996.24. SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS	89
§4996.25 ADDITIONAL COURSEWORK	89
§4996.26. ADDITIONAL CONTINUING EDUCATION REQUIREMENTS; AGING AND LONG-TERM CARE; ELDER AND DEPENDENT ADULT ABUSE AND NEGLECT	89
§4996.28. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION EXPIRATION; RENEWAL	90
§4997. INACTIVE LICENSE	90
§4997.1. ISSUANCE OF A RETIRED LICENSE – LICENSED CLINICAL SOCIAL WORKER	91
ARTICLE 5. CLINICAL SOCIAL WORKERS CORPORATIONS	92
§4998. DEFINITION; RIGHT TO PRACTICE CLINICAL SOCIAL WORK; BOARD AS GOVERNMENTAL AGENCY	92
§4998.1. UNPROFESSIONAL CONDUCT	92
§4998.2. NAME	92
§4998.3. DIRECTORS, SHAREHOLDERS AND OFFICERS; LICENSE	92
§4998.4. INCOME ATTRIBUTABLE TO SHAREHOLDER WHO IS DISQUALIFIED PERSON	93
§4998.5. CORPORATE UNPROFESSIONAL CONDUCT	93
CHAPTER 16 LICENSED PROFESSIONAL CLINICAL COUNSELORS	94
ARTICLE 1. ADMINISTRATION	94
§4999.10. LICENSED PROFESSIONAL CLINICAL COUNSELOR	94
§4999.11. LEGISLATIVE INTENT	94
§4999.12. DEFINITIONS	94
§4999.12.5. REGISTRANT TITLE NAME CHANGE; EFFECTIVE JANUARY 1, 2018	95
§4999.13. ENGAGING IN PRACTICE	95
§4999.14. DISSEMINATION OF INFORMATION; DUTIES OF THE BOARD	96
ARTICLE 2. SCOPE OF PRACTICE	96
§4999.20. SCOPE OF PRACTICE; TREATMENT OF COUPLES OR FAMILIES	96
§4999.22. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES	97
§4999.24. TRAINEE SERVICES	97
ARTICLE 3. LICENSURE	98
§4999.30. NECESSITY OF LICENSE	98
§4999.32. QUALIFICATIONS FOR REGISTRATION AND EXAMINATION ELIGIBILITY; GRADUATE COURSEWORK BEGINNING BEFORE AUGUST 1, 2012 AND COMPLETED BEFORE DECEMBER 31, 2018	98
§4999.33. QUALIFICATIONS FOR REGISTRATION AND EXAMINATION ELIGIBILITY; GRADUATE COURSEWORK BEGINNING AFTER AUGUST 1, 2012 OR COMPLETED AFTER DECEMBER 31, 2018	101
§4999.34. PRACTICUM AND FIELD EXPERIENCE; SETTING REQUIREMENTS; TRAINEE	104
§4999.36. TRAINEE ACTIVITIES AND SERVICES; APPLICANT AND SCHOOL RESPONSIBILITIES	104
§4999.40. DEGREE GRANTING PROGRAMS; NOTIFICATION OF QUALIFICATION TO STUDENTS; EQUIVALENT EDUCATION AND TRAINING GAINED OUTSIDE THE UNITED STATES	105
§4999.42. INTERN REGISTRATION; QUALIFICATION	105
§4999.44. PROFESSIONAL EXPERIENCE; SETTING REQUIREMENTS; REGISTERED INTERN	105
§4999.45. INTERN EMPLOYMENT; DUTIES, RESPONSIBILITIES AND LIMITATIONS	106
§4999.455. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS	106
§4999.46. SUPERVISED EXPERIENCE REQUIREMENTS; QUALIFICATION FOR LICENSURE; EFFECTIVE	

JANUARY 1, 2016	107
§4999.47. EMPLOYMENT; TRAINEE, REGISTERED INTERN AND APPLICANTS; REMUNERATION	108
§4999.48. RULES AND REGULATIONS.....	109
§4999.50. ISSUANCE OF LICENSE; REQUIREMENTS	109
§4999.51. CRIMINAL OFFENDER RECORD INFORMATION; REQUIREMENTS FOR LICENSURE AND REGISTRATION.....	109
§4999.52. EXAMINATION; BOARD DETERMINATION; EXAMINATION ADMISSION DENIAL.....	110
§4999.53. REQUIRED EXAMINATIONS.....	111
§4999.55. CALIFORNIA LAW AND ETHICS EXAMINATION	111
§4999.60. OUT-OF-STATE LICENSEE; EXAMINATION ELIGIBILITY	112
§4999.61. EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA; NON-LICENSE HOLDER	113
§4999.62. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; NON-LICENSE HOLDER	113
§4999.63. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; LICENSE HOLDER.....	115
§4999.64. REEXAMINATION	117
ARTICLE 4. PRACTICE REQUIREMENTS	117
§4999.70. DISPLAY OF LICENSE	117
§4999.72. FICTITIOUS BUSINESS NAME	117
§4999.74. COUNSELING RELATIONSHIP AND PROCESS; DISCLOSURE REQUIREMENT	117
§4999.75. CLIENT RECORDS: RETENTION	117
§4999.76. LICENSE RENEWAL; CONTINUING EDUCATION REQUIREMENT	117
ARTICLE 5. ENFORCEMENT.....	118
§4999.80. ENFORCEMENT OF LAWS; BOARD DUTIES	118
§4999.82. ENGAGING IN THE PRACTICE; UNLAWFUL ACTS; LICENSURE REQUIREMENT	119
§4999.84. PRIVILEGED COMMUNICATION.....	119
§4999.86. VIOLATIONS OF CHAPTER PROVISIONS; MISDEMEANOR.....	119
§4999.88. ISSUANCE OF AN INJUNCTION TO RESTRAIN CONDUCT	119
§4999.90. UNPROFESSIONAL CONDUCT	119
§4999.91. DENIAL OF APPLICATION OR SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION; GROUNDS.....	122
ARTICLE 6. REVENUE.....	123
§4999.100. EXPIRATION OF INTERN REGISTRATION; RENEWAL OF UNEXPIRED REGISTRATION	123
§4999.102. EXPIRATION OF LICENSURE; RENEWAL OF UNEXPIRED LICENSE.....	123
§4999.104. RENEWAL OF EXPIRED LICENSE; TIME LIMIT; REQUIREMENTS.....	124
§4999.106. EXPIRED LICENSE; APPLICATION FOR NEW LICENSE	124
§4999.108. SUSPENDED LICENSE; RENEWAL	124
§4999.110. REVOKED LICENSE; EXPIRATION	124
§4999.112. INACTIVE LICENSE STATUS.....	124
§4999.113. ISSUANCE OF A RETIRED LICENSE – LICENSED PROFESSIONAL CLINICAL COUNSELOR.....	125
§4999.114. REVENUE; BOARD REPORT TO CONTROLLER	126
§4999.116. BOARD OF BEHAVIORAL SCIENCES FUND; APPROPRIATIONS; SURPLUSES	126
§4999.118. LICENSEE OR REGISTRANT NAME CHANGE; BOARD NOTIFICATION.....	126
§4999.120. FEES	126
§4999.122. PROFESSIONAL CLINICAL COUNSELING PROGRAM; STARTUP FUNDS	127
ARTICLE 7. PROFESSIONAL CLINICAL COUNSELOR CORPORATIONS.....	127
§4999.123. DEFINITIONS	127
§4999.124. UNPROFESSIONAL CONDUCT.....	128
§4999.125. NAME	128
§4999.126. DIRECTORS, SHAREHOLDERS, AND OFFICERS; NECESSITY OF LICENSE	128
§4999.127. INCOME FOR PROFESSIONAL SERVICES NOT TO ACCRUE TO DISQUALIFIED SHAREHOLDERS	128
§4999.128. CORPORATE UNPROFESSIONAL CONDUCT	128
§4999.129. RULES AND REGULATIONS.....	128
CALIFORNIA CODE OF REGULATIONS	130

ARTICLE 1. GENERAL PROVISIONS	130
§1800. DECLARATORY DECISIONS.....	130
§1802. DEFINITIONS	130
§1803. DELEGATION OF CERTAIN FUNCTIONS.....	130
§1804. FILING OF ADDRESSES.....	130
§ 1805. APPLICATIONS	131
§1805.01. DEFINITIONS	131
§1805.05. REEXAMINATION	131
§1805.1. PERMIT PROCESSING TIMES	131
§ 1806. ABANDONMENT OF APPLICATION	132
§1807. HUMAN SEXUALITY TRAINING	133
§1807.2. CHILD ABUSE ASSESSMENT TRAINING REQUIREMENTS.....	133
§1810. ALCOHOLISM AND OTHER CHEMICAL SUBSTANCE DEPENDENCY TRAINING	134
§1810.1. CALIFORNIA LAW AND ETHICS TRAINING; ACCEPTABLE EDUCATION PROVIDERS	135
§1810.2. CRISIS OR TRAUMA COUNSELING TRAINING	135
§1811. ADVERTISING.....	136
§1812. SUBSTANTIAL RELATIONSHIP CRITERIA	137
§1813. CRITERIA FOR REHABILITATION-DENIAL OF LICENSURE.....	137
§1814. CRITERIA FOR REHABILITATION-SUSPENSIONS OR REVOCATIONS	137
§1815. FINGERPRINT SUBMISSION.....	138
§1815.5. STANDARDS OF PRACTICE FOR TELEHEALTH.....	139
ARTICLE 2. FEES.....	140
§ 1816. RENEWAL FEES	140
§1816.1. INITIAL LICENSE AND REGISTRATION FEES.....	140
§ 1816.2. EXAMINATION FEES.....	140
§ 1816.3. EXAMINATION RESCORING FEES	141
§ 1816.4. EXAMINATION ELIGIBILITY APPLICATION FEES	141
§ 1816.5. REPLACEMENT AND CERTIFICATION FEES	141
§ 1816.6. INACTIVE LICENSE FEES.....	141
§ 1816.7. DELINQUENCY FEES	142
§1816.8. APPLICATIONS FOR LICENSURE PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 4999.54	142
§1819.1. CONTINUING EDUCATION PROVIDER FEES	142
ARTICLE 3. LICENSED PROFESSIONAL CLINICAL COUNSELORS.....	142
§1820 EXPERIENCE.....	142
§1820.5 EXEMPTIONS FOR WORKING WITH COUPLES OR FAMILIES.....	144
§1820.7 CONFIRMATION OF QUALIFICATIONS TO TREAT COUPLES OR FAMILIES	144
§1821. REQUIREMENTS FOR SUPERVISORS	145
§1822. SUPERVISORY PLAN	146
§ 1822.50. EXAMINATIONS	147
§ 1822.51. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION.....	147
§ 1822.52. TIME FRAMES - LAW & ETHICS EXAMINATION.....	147
§1823. UNPROFESSIONAL CONDUCT	148
ARTICLE 4. LICENSED MARRIAGE AND FAMILY THERAPISTS.....	149
§ 1829. EXAMINATIONS	149
§ 1829.1. REQUIRED EXAMINATIONS.....	149
§ 1829.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION.....	149
§ 1829.3. TIME FRAMES - LAW & ETHICS EXAMINATION	150
§1832. EQUIVALENT ACCREDITING AGENCIES	150
§1833. EXPERIENCE.....	151
§1833.1. REQUIREMENTS FOR SUPERVISORS.....	153
§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA	154
§1845. UNPROFESSIONAL CONDUCT	155
§1846. MARRIAGE AND FAMILY THERAPIST INTERNS	156
ARTICLE 4.5. PROFESSIONAL CORPORATIONS.....	156

§1850.6. NAME OF CORPORATION.....	156
§1850.7. SHARES: OWNERSHIP AND TRANSFER	156
ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS	157
§1854. EQUIVALENT DEGREES	157
§1856. EXPERIENCE EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALLED SCHOOL PSYCHOLOGIST	157
§1858. UNPROFESSIONAL CONDUCT	157
ARTICLE 6. LICENSED CLINICAL SOCIAL WORKERS	158
§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS.....	158
§1870.1. SUPERVISORY PLAN	160
§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS	160
§1877. EXAMINATIONS	161
§1877.1. REQUIRED EXAMINATIONS.....	161
§1877.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION.....	161
§1877.3. TIME FRAMES - LAW & ETHICS EXAMINATION.....	162
§1880. UNLICENSED ASSISTANTS	162
§1881. UNPROFESSIONAL CONDUCT	162
ARTICLE 7. CITATIONS AND FINES.....	164
§1886. AUTHORITY TO ISSUE CITATIONS AND FINES	164
§1886.10. CITATIONS FOR UNLICENSED PRACTICE	164
§1886.20. CITATION FORMAT	165
§1886.30. CITATION FACTORS	165
§1886.40. AMOUNT OF FINES	165
§1886.50. EXCEPTIONS.....	166
§1886.60. COMPLIANCE WITH CITATION/ORDER OF ABATEMENT.....	166
§1886.70. CONTESTED CITATIONS AND REQUEST FOR A HEARING OR INFORMAL CITATION CONFERENCE	167
§1886.80. DISCONNECTION OF TELEPHONE SERVICE	167
ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPISTS, LICENSED CLINICAL SOCIAL WORKERS, LICENSED EDUCATIONAL PSYCHOLOGISTS, AND LICENSED PROFESSIONAL CLINICAL COUNSELORS	168
§1887. DEFINITIONS	168
INOPERATIVE JULY 1, 2015	168
§1887. DEFINITIONS	168
OPERATIVE JULY 1, 2015.....	168
§1887.1. LICENSE RENEWAL REQUIREMENTS	169
§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS	169
INOPERATIVE JULY 1, 2015	169
§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS	170
OPERATIVE JULY 1, 2015.....	170
§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS	171
INOPERATIVE JULY 1, 2015	171
§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS	172
OPERATIVE JULY 1, 2015.....	172
§1887.4. CONTINUING EDUCATION COURSE CONTENT	173
§1887.4.0. CONTINUING EDUCATION COURSE CONTENT	173
OPERATIVE JULY 1, 2015.....	173
1887.4.1. BOARD-RECOGNIZED APPROVAL AGENCIES	174
OPERATIVE JULY 1, 2015.....	174
1887.4.2. APPROVAL AGENCY RESPONSIBILITIES.....	175
OPERATIVE JULY 1, 2015.....	175
§1887.4.3. CONTINUING EDUCATION PROVIDER RESPONSIBILITIES.....	175
OPERATIVE JULY 1, 2015.....	175
§1887.5. HOURS OF CONTINUING EDUCATION CREDIT.....	177

§1887.6. CONTINUING EDUCATION PROVIDERS	177
INOPERATIVE JULY 1, 2015	177
§1887.7. BOARD-APPROVED PROVIDERS.....	177
§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS	178
§1887.9. COURSE ADVERTISEMENTS	178
§1887.10. COURSE INSTRUCTOR QUALIFICATIONS	179
§1887.11. RECORDS OF COURSE COMPLETION	179
§1887.11.0 RECORDS OF COURSE COMPLETION	180
OPERATIVE JULY 1, 2015.....	180
§1887.12. LICENSEE AND PROVIDER COURSE RECORDS	180
1887.13 RENEWAL OF EXPIRED APPROVAL	181
1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL	181
INOPERATIVE JANUARY 1, 2015.....	181
1887.15 TRANSITION PERIOD FOR CONTINUING EDUCATION PROGRAM	181
ARTICLE 9. DISCIPLINARY GUIDELINES	182
§1888. UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND DISCIPLINARY GUIDELINES	182
§1888.1 REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS	183
ARTICLE 10. GROUP ADVERTISING AND REFERRAL SERVICES FOR MARRIAGE AND FAMILY THERAPIST	183
§1889. DEFINITIONS	183
§1889.1. REGISTRATION.....	184
§1889.2. REVOCATION OR DENIAL OF REGISTRATION.....	184
§1889.3. ADVERTISING AND REFERRAL GUIDELINES.....	185
MISCELLANEOUS CODE SECTIONS	186
BUSINESS AND PROFESSIONS CODE OF CALIFORNIA	186
§25. TRAINING IN HUMAN SEXUALITY	186
§27. PUBLIC INFORMATION	186
§28. TRAINING FOR CHILD, ELDER AND DEPENDENT ADULT ABUSE ASSESSMENT AND REPORTING; LICENSING PREREQUISITES	188
§29. CHEMICAL DEPENDENCY AND EARLY INTERVENTION TRAINING; CONTINUING EDUCATION REQUIREMENTS.....	189
§32. LEGISLATIVE FINDINGS; AIDS TRAINING IN CONTINUING EDUCATION REQUIREMENTS FOR SPECIFIED LICENSES	189
§114.3. WAIVER OF RENEWAL REQUIREMENTS: ACTIVE MILITARY	190
§114.5. MILITARY SERVICE; INQUIRY ON APPLICATIONS	190
§115.4. EXPEDITED LICENSURE: SERVICE IN THE MILITARY	191
§115.5. EXPEDITED LICENSURE: SPOUSES OF ACTIVE MILITARY MEMBERS.....	191
§125.3. INVESTIGATIVE AND ENFORCEMENT COSTS; PAYMENT BY LICENSEE	191
§125.6 REFUSAL TO PERFORM LICENSED ACTIVITIES; DISCRIMINATION OR RESTRICTION IN PERFORMANCE	192
§125.9. ISSUANCE OF CITATIONS; FINES	193
§129. HANDLING OF COMPLAINTS; CHILD CUSTODY EVALUATIONS	194
§143.5. CIVIL DISPUTE SETTLEMENTS; PROHIBITED PROVISIONS.....	194
§144.5. BOARD RECIEPT OF CERTIFIED RECORDS FOR INVESTIGATION	195
§315.2. CEASE PRACTICE ORDERS; POSITIVE TEST FOR PROHIBITED SUBSTANCE	195
§315.4. CEASE PRACTICE ORDERS; BOARD AUTHORITY.....	196
§337. INFORMATION BROCHURE FOR VICTIMS OF PSYCHOTHERAPIST - PATIENT SEXUAL CONTACT; CONTENTS	196
§464. ESTABLISHMENT OF A RETIRED LICENSE; INVESTIGATION OF PERSONS WITH LICENSES THAT ARE INACTIVE OR RESTRICTED	196
§480. GROUNDS FOR DENIAL OF LICENSURE.....	197
§480.5. APPLICATION FOR LICENSURE: INCARCERATION	198
§485. PROCEDURE BY BOARD UPON DENIAL OF APPLICATION FOR LICENSE	198
§490. BOARD DISCIPLINARY ACTION; GROUNDS FOR LICENSE SUSPENSION OR REVOCATION.....	199
§651. PUBLIC COMMUNICATION CONTAINING FALSE, FRAUDULENT, MISLEADING, OR DECEPTIVE	

STATEMENT, CLAIM, OR IMAGE; ADVERTISEMENTS; PENALTY	199
§683. REPORTING NAME AND LICENSE NUMBER OF LICENSEE PROHIBITED FROM PRACTICING	203
§726. SEXUAL ABUSE, MISCONDUCT, OR RELATIONS WITH A PATIENT	204
§727. EVIDENCE	204
§728. PRIOR SEXUAL CONTACT BETWEEN PSYCHOTHERAPIST AND PATIENT; PSYCHOTHERAPIST OR EMPLOYER PROVIDING AND DISCUSSING BROCHURE; FAILURE TO COMPLY WITH SECTION; DEFINITIONS	204
§729. SEXUAL EXPLOITATION BY PHYSICIANS, SURGEONS, PSYCHOTHERAPISTS, OR ALCOHOL AND DRUG ABUSE COUNSELORS	204
§820. EXAMINATION; REPORT	206
§865. DEFINITION OF SEXUAL ORIENTATION CHANGE EFFORTS	206
§865.1. SEXUAL ORIENTATION CHANGE EFFORTS: PROHIBITIONS	206
§865.2. SEXUAL ORIENTATION CHANGE EFFORTS: DISCIPLINARY ACTION	206
§2290.5. TELEHEALTH; CONSENT REQUIREMENTS; EFFECT OF NONCOMPLIANCE ON HEALTH PRACTITIONER	207
CALIFORNIA PENAL CODE	209
§11166. CHILD ABUSE AND NEGLECT REPORTING; DUTY; TIME	209
CALIFORNIA HEALTH AND SAFETY CODE	213
§123110. INSPECTION AND COPYING; VERIFICATION OF IDENTITY; RETENTION AND QUALITY OF RECORDS; LIABILITY FOR DISCLOSURE; VIOLATIONS; PENALTIES	213
§124260. MENTAL HEALTH SERVICES FOR MINORS	214
CALIFORNIA WELFARE AND INSTITUTIONS CODE	217
§14029.8. MENTAL HEALTH SERVICES FOR MINORS; MEDI-CAL	217
§15630. ELDER ABUSE REPORTING	217
CALIFORNIA FAMILY CODE	222
§6924. MENTAL HEALTH TREATMENT OF MINORS	222
INDEX.....	224

BUSINESS AND PROFESSIONS CODE OF CALIFORNIA

CHAPTER 13. LICENSED MARRIAGE AND FAMILY THERAPISTS

ARTICLE 1. REGULATION

§4980. NECESSITY OF LICENSE

(a) (1) Many California families and many individual Californians are experiencing difficulty and distress, and are in need of wise, competent, caring, compassionate, and effective counseling in order to enable them to improve and maintain healthy family relationships.

(2) Healthy individuals and healthy families and healthy relationships are inherently beneficial and crucial to a healthy society, and are our most precious and valuable natural resource. Licensed marriage and family therapists provide a crucial support for the well-being of the people and the State of California.

(b) No person may engage in the practice of marriage and family therapy as defined by Section 4980.02, unless he or she holds a valid license as a marriage and family therapist, or unless he or she is specifically exempted from that requirement, nor may any person advertise himself or herself as performing the services of a marriage, family, child, domestic, or marital consultant, or in any way use these or any similar titles, including the letters "L.M.F.T." "M.F.T.," or "M.F.C.C.," or other name, word initial, or symbol in connection with or following his or her name to imply that he or she performs these services without a license as provided by this chapter. Persons licensed under Article 4 (commencing with Section 4996) of Chapter 14 of Division 2, or under Chapter 6.6 (commencing with Section 2900) may engage in such practice or advertise that they practice marriage and family therapy but may not advertise that they hold the marriage and family therapist's license.

§4980.01. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES

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

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

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

(A) A governmental entity.

(B) A school, college, or university.

(C) An institution that is both nonprofit and charitable.

(2) This chapter shall not apply to a volunteer working in any of the settings described in paragraph (1) if his or her work is performed solely under the supervision of the entity, school, or institution.

(d) A marriage and family therapist licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care practitioner subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.

(e) Notwithstanding subdivisions (b) and (c), all persons registered as interns or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

§4980.02. PRACTICE OF MARRIAGE, FAMILY AND CHILD COUNSELING; APPLICATION OF PRINCIPLES AND METHODS

For the purposes of this chapter, the practice of marriage and family therapy shall mean that service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family adjustments. This practice includes relationship and pre-marriage counseling.

The application of marriage and family therapy principles and methods includes, but is not limited to, the use of applied psychotherapeutic techniques, to enable individuals to mature and grow within marriage and the family, the provision of explanations and interpretations of the psychosexual and psychosocial aspects of relationships, and the use, application, and integration of the coursework and training required by Sections 4980.36, 4980.37, and 4980.41.

§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.

(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," 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 requirements for licensure as specified in this chapter, is no longer registered with the board as an intern, and is currently in the examination process.

(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 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 licensed by a state regulatory agency for at least two 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.

(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 not provided therapeutic services to the trainee or intern.

(4) Has a current and valid license that is not under suspension or probation.

(5) 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.

§4980.04. LICENSED MARRIAGE AND FAMILY THERAPIST ACT

This chapter shall be known and may be cited as the Licensed Marriage and Family Therapist Act.

§4980.08. LICENSE TITLE NAME CHANGE

(a) The title "licensed marriage, family and child counselor" or "marriage, family and child counselor" is hereby renamed "licensed marriage and family therapist" or "marriage and family therapist," respectively. Any reference in any statute or regulation to a "licensed marriage, family and child counselor" or "marriage, family and child counselor" shall be deemed a reference to a "licensed marriage and family therapist" or "marriage and family therapist".

(b) Nothing in this section shall be construed to expand or constrict the scope of practice of a person licensed pursuant to this chapter.

(c) This section shall become operative July 1, 1999.

§4980.09. REGISTRANT TITLE NAME CHANGE; EFFECTIVE JANUARY 1, 2018

(a) The title "marriage and family therapist intern" or "marriage and family therapist registered intern" is hereby renamed "associate marriage and family therapist" or "registered associate marriage and family therapist," respectively. Any reference in statute or regulation to a "marriage and family therapist intern" or "marriage and family therapist registered intern" shall be deemed a reference to an "associate marriage and family therapist" or "registered associate marriage and family therapist."

(b) Nothing in this section shall be construed to expand or constrict the scope of practice of a person licensed or registered pursuant to this chapter.

(c) This section shall become operative January 1, 2018.

§4980.10. ENGAGING IN PRACTICE

A person engages in the practice of marriage and family therapy when he or she performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.

§4980.30. APPLICATION FOR LICENSE; PAYMENT OF FEE

Except as otherwise provided herein, a person desiring to practice and to advertise the performance of marriage and family therapy services shall apply to the board for a license, pay the license fee required by this chapter, and obtain a license from the board.

§4980.31. DISPLAY OF LICENSE

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

§4980.34. LEGISLATIVE INTENT

It is the intent of the Legislature that the board employ its resources for each and all of the following functions:

- (a) The licensing of marriage and family therapists, clinical social workers, professional clinical counselors, and educational psychologists.
- (b) The development and administration of licensing examinations and examination procedures, as specified, consistent with prevailing standards for the validation and use of licensing and certification tests. Examinations shall measure knowledge and abilities demonstrably important to the safe, effective practice of the profession.
- (c) Enforcement of laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.
- (d) Consumer education.

§4980.35. OBLIGATION TO PROVIDE COMPLETE AND ACCURATE APPLICATION; DUTIES OF BOARD

- (a) The Legislature acknowledges that the basic obligation to provide a complete and accurate application for a marriage and family therapist license lies with the applicant. At the same time, the Legislature recognizes that an effort should be made by the board to ensure that persons who enter degree programs and supervisorial training settings that meet the requirements of this chapter are enabled to discern the requirements for licensing and to take the examination when they have completed their educational and experience requirements.
- (b) In order that the board, the educational institutions, and the supervisors who monitor the education and experience of applicants for licensure may develop greater cooperation, the board shall do all of the following:
 - (1) Apply a portion of its limited resources specifically to the task of communicating information about its activities, the requirements and qualifications for licensure, and the practice of marriage and family therapy to the relevant educational institutions, supervisors, professional associations, applicants, trainees, interns, and the consuming public.
 - (2) Develop policies and procedures to assist educational institutions in meeting the curricula requirements of

Section 4980.36 and 4980.37 and any regulations adopted pursuant to those sections, so that those educational institutions may better provide assurance to their students that the curriculum offered to fulfill the educational requirements for licensure will meet those requirements at the time of the student's application for licensure.

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

(4) Undertake, or cause to be undertaken, further comprehensive review, in consultation with educational institutions, professional associations, supervisors, interns, and trainees, of the supervision of interns and trainees, which shall include, but not be limited to, the following, and shall propose regulations regarding the supervision of interns and trainees which may include, but not be limited to, the following:

(A) Supervisor qualifications.

(B) Continuing education requirements of supervisors.

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

(D) Responsibilities of supervisors in general.

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

(F) The intern's and trainee's need for guidance in selecting well-balanced and high quality professional training opportunities within his or her community.

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

§4980.36 QUALIFYING DEGREE PROGRAM FOR LICENSURE OR REGISTRATION; BEGINNING GRADUATE STUDY AFTER AUGUST 1, 2012 OR COMPLETING GRADUATE STUDY AFTER DECEMBER 31, 2018

(a) This section shall apply to the following:

(1) Applicants for licensure or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for licensure or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for licensure or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for a license or registration, applicants shall possess a doctoral or master's degree meeting the requirements of this section in marriage, family, and child counseling, marriage and family therapy, couple and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university approved by the Bureau for Private Postsecondary Education, or accredited by either the Commission on Accreditation for Marriage and Family Therapy Education, or a regional or national institutional accrediting agency that is recognized by the United States Department of Education. The board has the

authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval.

(c) A doctoral or master's degree program that qualifies for licensure or registration shall do the following:

(1) Integrate all of the following throughout its curriculum:

(A) Marriage and family therapy principles.

(B) The principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, among others.

(C) An understanding of various cultures and the social and psychological implications of socioeconomic position, and an understanding of how poverty and social stress impact an individual's mental health and recovery.

(2) Allow for innovation and individuality in the education of marriage and family therapists.

(3) Encourage students to develop the personal qualities that are intimately related to effective practice, including, but not limited to, integrity, sensitivity, flexibility, insight, compassion, and personal presence.

(4) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists.

(5) Provide students with the opportunity to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(d) The degree described in subdivision (b) shall contain no less than 60 semester or 90 quarter units of instruction that includes, but is not limited to, the following requirements:

(1) Both of the following:

(A) No less than 12 semester or 18 quarter units of coursework in theories, principles, and methods of a variety of psychotherapeutic orientations directly related to marriage and family therapy and marital and family systems approaches to treatment and how these theories can be applied therapeutically with individuals, couples, families, adults, including elder adults, children, adolescents, and groups to improve, restore, or maintain healthy relationships.

(B) Practicum that involves direct client contact, as follows:

(i) A minimum of six semester or nine quarter units of practicum in a supervised clinical placement that provides supervised fieldwork experience.

(ii) A minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(iii) A student must be enrolled in a practicum course while counseling clients, except as specified in subdivision (c) of Section 4980.42.

(iv) The practicum shall provide training in all of the following areas:

(I) Applied use of theory and psychotherapeutic techniques.

(II) Assessment, diagnosis, and prognosis.

(III) Treatment of individuals and premarital, couple, family, and child relationships, including trauma and abuse, dysfunctions, healthy functioning, health promotion, illness prevention, and working with families.

(IV) Professional writing, including documentation of services, treatment plans, and progress notes.

(V) How to connect people with resources that deliver the quality of services and support needed in the community.

(v) Educational institutions are encouraged to design the practicum required by this subparagraph to include marriage and family therapy experience in low income and multicultural mental health settings.

(vi) In addition to the 150 hours required in clause (ii), 75 hours of either of the following, or a combination thereof:

(I) Client centered advocacy, as defined in Section 4980.03.

(II) Face-to-face experience counseling individuals, couples, families, or groups.

(2) Instruction in all of the following:

(A) Diagnosis, assessment, prognosis, and treatment of mental disorders, including severe mental disorders, evidence-based practices, psychological testing, psychopharmacology, and promising mental health practices that are evaluated in peer reviewed literature.

(B) Developmental issues from infancy to old age, including instruction in all of the following areas:

(i) The effects of developmental issues on individuals, couples, and family relationships.

(ii) The psychological, psychotherapeutic, and health implications of developmental issues and their effects.

(iii) Aging and its biological, social, cognitive, and psychological aspects. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(iv) A variety of cultural understandings of human development.

(v) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.

(vi) The understanding of human behavior within the social context of a representative variety of the cultures found within California.

(vii) The understanding of the impact that personal and social insecurity, social stress, low educational levels, inadequate housing, and malnutrition have on human development.

(C) The broad range of matters and life events that may arise within marriage and family relationships and within a variety of California cultures, including instruction in all of the following:

(i) 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.

(ii) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics.

- (iii) Cultural factors relevant to abuse of partners and family members.
 - (iv) Childbirth, child rearing, parenting, and stepparenting.
 - (v) Marriage, divorce, and blended families.
 - (vi) Long-term care.
 - (vii) End of life and grief.
 - (viii) Poverty and deprivation.
 - (ix) Financial and social stress.
 - (x) Effects of trauma.
 - (xi) The psychological, psychotherapeutic, community, and health implications of the matters and life events described in clauses (i) to (x), inclusive.
- (D) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.
- (E) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability, and their incorporation into the psychotherapeutic process.
- (F) The effects of socioeconomic status on treatment and available resources.
- (G) Resilience, including the personal and community qualities that enable persons to cope with adversity, trauma, tragedy, threats, or other stresses.
- (H) Human sexuality, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.
- (I) Substance use disorders, co-occurring disorders, and addiction, including, but not limited to, instruction in all of the following:
- (i) The definition of substance use disorders, co-occurring disorders, and addiction. For purposes of this subparagraph, “co-occurring disorders” means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.
 - (ii) Medical aspects of substance use disorders and co-occurring disorders.
 - (iii) The effects of psychoactive drug use.
 - (iv) Current theories of the etiology of substance abuse and addiction.
 - (v) The role of persons and systems that support or compound substance abuse and addiction.
 - (vi) Major approaches to identification, evaluation, and treatment of substance use disorders, co-occurring disorders, and addiction, including, but not limited to, best practices.
 - (vii) Legal aspects of substance abuse.

- (viii) Populations at risk with regard to substance use disorders and co-occurring disorders.
- (ix) Community resources offering screening, assessment, treatment, and followup for the affected person and family.
- (x) Recognition of substance use disorders, co-occurring disorders, and addiction, and appropriate referral.
- (xi) The prevention of substance use disorders and addiction.
- (J) California law and professional ethics for marriage and family therapists, including instruction in all of the following areas of study:
 - (i) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.
 - (ii) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.
 - (iii) The current legal patterns and trends in the mental health professions.
 - (iv) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.
 - (v) 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.
 - (vi) Differences in legal and ethical standards for different types of work settings.
 - (vii) Licensing law and licensing process.
- (e) The degree described in subdivision (b) shall, in addition to meeting the requirements of subdivision (d), include instruction in case management, systems of care for the severely mentally ill, public and private services and supports available for the severely mentally ill, community resources for persons with mental illness and for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. This instruction may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.
- (f) The changes made to law by this section are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and are not intended to expand or restrict the scope of practice for marriage and family therapists.

**§4980.37. QUALIFYING DEGREE PROGRAM FOR LICENSURE OR REGISTRATION;
BEGINNING GRADUATE STUDY BEFORE AUGUST 1, 2012 AND COMPLETING GRADUATE
STUDY BEFORE DECEMBER 31, 2018**

- (a) This section shall apply to applicants for licensure or registration who begin graduate study before August 1, 2012, and complete that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4980.36.
- (b) To qualify for a license or registration, applicants shall possess a doctor's or master's degree in marriage, family, and child counseling, marriage and family therapy, couple and family therapy, psychology, clinical

psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education or approved by the Bureau for Private Postsecondary Education. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval. In order to qualify for licensure pursuant to this section, a doctor's or master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. This instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment. The coursework shall include all of the following areas:

- (1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment.
- (2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.
- (3) Developmental issues and life events from infancy to old age and their effect on individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, abuse and neglect of older and dependent adults, and geropsychology.
- (4) A variety of approaches to the treatment of children.

The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(c) (1) In addition to the 12 semester or 18 quarter units of coursework specified in subdivision (b), the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic technique, assessments, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(d) As an alternative to meeting the qualifications specified in subdivision (b), the board shall accept as equivalent degrees those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(e) In order to provide an integrated course of study and appropriate professional training, while allowing for innovation and individuality in the education of marriage and family therapists, a degree program that meets the educational qualifications for licensure or registration under this section shall do all of the following:

- (1) Provide an integrated course of study that trains students generally in the diagnosis, assessment, prognosis, and treatment of mental disorders.

- (2) Prepare students to be familiar with the broad range of matters that may arise within marriage and family relationships.
- (3) Train students specifically in the application of marriage and family relationship counseling principles and methods.
- (4) Encourage students to develop those personal qualities that are intimately related to the counseling situation such as integrity, sensitivity, flexibility, insight, compassion, and personal presence.
- (5) Teach students a variety of effective psychotherapeutic techniques and modalities that may be utilized to improve, restore, or maintain healthy individual, couple, and family relationships.
- (6) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists.
- (7) Prepare students to be familiar with cross-cultural mores and values, including a familiarity with the wide range of racial and ethnic backgrounds common among California's population, including, but not limited to, Blacks, Hispanics, Asians, and Native Americans.
- (f) Educational institutions are encouraged to design the practicum required by this section to include marriage and family therapy experience in low income and multicultural mental health settings.
- (g) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

§4980.38. NOTIFICATION TO STUDENTS OF DESIGN OF DEGREE PROGRAM; CERTIFICATION OF FULFILLMENT OF REQUIREMENTS

- (a) Each educational institution preparing applicants to qualify for registration or licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Section 4980.36 or 4980.37, and shall certify to the board that it has so notified its students.
- (b) An applicant for registration or licensure shall submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and any associated coursework completed by the applicant does one of the following:
 - (1) Meets all of the requirements set forth in Section 4980.36.
 - (2) Meets all of the requirements set forth in Section 4980.37 and paragraphs (4) and (5) of subdivision (a) of Section 4980.41.

§4980.39. ADDITIONAL COURSEWORK; INOPERATIVE JANUARY 1, 2019

(a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

§4980.395. ADDITIONAL CONTINUING EDUCATION REQUIREMENT

(a) A licensee who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care during his or her first renewal period after the operative date of this section and shall submit to the board evidence, acceptable to the board, of the person's satisfactory completion of the course.

(b) The course shall include, but is not limited to, the biological, social, and psychological aspects of aging.

(c) A person seeking to meet the requirements of subdivision (a) of this section may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this section, or proof of equivalent teaching or practice experience. The board, in its discretion, may accept that certification as meeting the requirements of this section.

(d) The board may not renew an applicant's license until the applicant has met the requirements of this section.

(e) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required in Section 4980.54.

(f) This section shall become operative on January 1, 2005.

§4980.397. REQUIRED EXAMINATIONS

(a) Effective January 1, 2016, an applicant for licensure as a marriage and family therapist shall pass the following two examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination.

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

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

(1) Completion of all required supervised work experience.

(2) Completion of all education requirements.

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

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

§4980.398. EXAMINATION RESTRUCTURE TRANSITION SCENARIOS

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

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

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

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

§4980.399. CALIFORNIA LAW AND ETHICS EXAMINATION

(a) Except as provided in subdivision (a) of Section 4980.398, each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

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

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

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

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

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

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

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

§4980.40. QUALIFICATIONS

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

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

(b) Be at least 18 years of age.

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

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

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

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

§4980.41. ELIGIBILITY TO SIT FOR LICENSING EXAMINATIONS; COURSEWORK OR TRAINING; INOPERATIVE JANUARY 1, 2019

(a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete the following coursework or training in order to be eligible to sit for the licensing examinations as specified in subdivision (d) of Section 4980.40:

(1) A two semester or three quarter unit course in California law and professional ethics for marriage and family therapists, which shall include, but not be limited to, the following areas of study:

(A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the profession's scope of practice.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including family law.

(C) The current legal patterns and trends in the mental health profession.

(D) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

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

This course may be considered as part of the 48 semester or 72 quarter unit requirements contained in Section 4980.37.

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

(3) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.37.

(4) For persons who began graduate study on or after January 1, 1986, a master's or doctor's degree qualifying for licensure shall include specific instruction in alcoholism and other chemical substance dependency as specified by regulation. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.37. Coursework required under this paragraph may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The applicant may satisfy this requirement by successfully completing this coursework from a master's or doctoral degree program at an accredited or approved institution, as described in subdivision (b) of Section 4980.37, or from a board-accepted provider of continuing education, as described in Section 4980.54.

(5) For persons who began graduate study during the period commencing on January 1, 1995, and ending on December 31, 2003, a master's or doctor's degree qualifying for licensure shall include coursework in spousal or partner abuse assessment, detection, and intervention. For persons who began graduate study on or after January 1, 2004, a master's or doctor's degree qualifying for licensure shall include a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. Coursework required under this paragraph may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The applicant may satisfy this requirement by successfully completing this coursework from a master's or doctoral degree program at an accredited or approved institution, as described in subdivision (b) of Section 4980.37, or from a board-accepted provider of continuing education, as described in Section 4980.54.

(6) For persons who began graduate study on or after January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychological testing. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.37.

(7) For persons who began graduate study on or after January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychopharmacology. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.37.

(8) The requirements added by paragraphs (6) and (7) are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice and are not intended in any way to expand or restrict the scope of practice for licensed marriage and family therapists.

(b) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

§4980.42. TRAINEES' SERVICES

(a) Trainees performing services in any work setting specified in subdivision (e) of Section 4980.43 may perform those activities and services as a trainee, provided that the activities and services constitute part of the trainee's supervised course of study and that the person is designated by the title "trainee."

(b) Trainees subject to Section 4980.37 may gain hours of experience and counsel clients outside of the required practicum. This subdivision shall apply to hours of experience gained and client counseling provided on and after January 1, 2012.

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

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

(e) All hours of experience gained as a trainee shall be coordinated between the school and the site where the 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. If an applicant has gained hours of experience 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 hours of trainee experience were gained in compliance with this section.

§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. Associates and trainees shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(1) If employed, 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.

§4980.44. UNLICENSED INTERN; QUALIFICATIONS; NOTICE TO CLIENT OR PATIENT; ADVERTISEMENTS

An unlicensed marriage and family therapist intern employed under this chapter shall comply with the following requirements:

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

(b) Register with the board prior to performing any duties, except as otherwise provided in subdivision (h) of Section 4980.43.

(c) Prior to performing any professional services, inform each client or patient that he or she is an unlicensed marriage and family therapist registered intern, provide his or her registration number and the name of his or her employer, and indicate whether he or she is under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

(d) (1) Any advertisement by or on behalf of a marriage and family therapist registered intern shall include, at a minimum, all of the following information:

(A) That he or she is a marriage and family therapist registered intern.

(B) The intern's registration number.

(C) The name of his or her employer.

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

(2) The abbreviation "MFTI" shall not be used in an advertisement unless the title "marriage and family therapist registered intern" appears in the advertisement.

§4980.45. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF

REGISTRANTS

(a) 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) 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.

§4980.46. FICTITIOUS BUSINESS NAMES

Any licensed marriage and family therapist who conducts a private practice under a fictitious business name shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

§4980.48. TRAINEES; NOTICE TO CLIENTS OF UNLICENSED STATUS; ADVERTISEMENTS

(a) A trainee shall, prior to performing any professional services, inform each client or patient that he or she is an unlicensed marriage and family therapist trainee, provide the name of his or her employer, and indicate whether he or she is under the supervision of a licensed marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, or a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.

(b) Any person that advertises services performed by a trainee shall include the trainee's name, the supervisor's license designation or abbreviation, and the supervisor's license number.

(c) Any advertisement by or on behalf of a marriage and family therapist trainee shall include, at a minimum, all of the following information:

- (1) That he or she is a marriage and family therapist trainee.
- (2) The name of his or her employer.
- (3) That he or she is supervised by a licensed person.

§4980.49. CLIENT RECORDS: RETENTION

(a) A marriage and family therapist shall retain a client's or patient's health service records for a minimum of seven years from the date therapy is terminated. If the client or patient is a minor, the client's or patient's health service records shall be retained for a minimum of seven years from the date the client or the patient reaches 18 years of age. Health service records may be retained in either a written or an electronic format.

(b) This section shall apply only to the records of a client or patient whose therapy is terminated on or after January 1, 2015.

§4980.50. EXAMINATION; ISSUANCE OF LICENSE; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION

Effective January 1, 2016, the following shall apply:

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

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

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

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

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

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

(g) Effective January 1, 2016, no applicant shall be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt,

unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.

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

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

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

§4980.54. CONTINUING EDUCATION

(a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to ensure that an applicant is prepared and qualified to take the licensure examinations as specified in subdivision (d) of Section 4980.40 and, if he or she passes those examinations, to begin practice.

(b) In order to continuously improve the competence of licensed marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.

(c) Except as provided in subdivision (e), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.

(d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(e) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.

(f) The continuing education shall be obtained from one of the following sources:

(1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.36 or 4980.37. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, as specified by the board by regulation.

(g) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (f), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(h) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.

(2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

(i) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (f) shall be deemed to be an approved provider.

(k) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

§4980.55. DISCLOSURE OF COUNSELOR'S QUALIFICATIONS

As a model for all therapeutic professions, and to acknowledge respect and regard for the consuming public, all licensed marriage and family therapists are encouraged to provide to each client, at an appropriate time and within the context of the psychotherapeutic relationship, an accurate and informative statement of the therapist's experience, education, specialities, professional orientation, and any other information deemed appropriate by the licensee.

§4980.57. CONTINUING EDUCATION FOR SPOUSAL OR PARTNER ABUSE

(a) The board shall require a licensee who began graduate study prior to January 1, 2004, to take a continuing education course during his or her first renewal period after the operative date of this section in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement.

(b) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required under subdivision (c) of Section 4980.54.

§4980.60. RULES AND REGULATIONS

(a) The board may adopt those rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. The adoption, amendment, or repeal of those rules and regulations shall be made in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The board may, by rules or regulations, adopt, amend, or repeal rules of advertising and professional conduct appropriate to the establishment and maintenance of a high standard of integrity in the profession, provided that the rules or regulations are not inconsistent with Section 4982. Every person who holds a license to practice marriage and family therapy shall be governed by the rules of professional conduct.

§4980.70. ADDITIONAL PERSONNEL

Except as provided by Section 159.5, the board may employ whatever additional personnel is necessary to carry out the provisions of this chapter.

§4980.72. RECIPROCITY; EQUIVALENT REQUIREMENTS

(a) This section applies to persons who are licensed outside of California and apply for licensure on or after January 1, 2016.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country, if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4980.79. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(2) The applicant complies with Section 4980.76, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a marriage and family therapist shall be accepted at a rate of 100 hours per month, up to a maximum of 1,200 hours, if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4980.79 without exemptions or remediation.

(4) The applicant passes the California law and ethics examination.

(5) The applicant passes a clinical examination designated by the board. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

§4980.74. EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who do not hold a license as described in Section 4980.72.

(b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4980.78, and the applicant complies with Section 4980.76, if applicable. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter.

§4980.76. DEGREE OBTAINED OUTSIDE THE UNITED STATES

An applicant for licensure or registration with a degree obtained from an educational institution outside the United States shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.

§4980.78. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS NOT LICENSED OUTSIDE OF CALIFORNIA

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who do not hold a license as described in Section 4980.72.

(b) For purposes of Section 4980.74, education is substantially equivalent if all of the following requirements are met:

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

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

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

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

(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

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

(2) The applicant shall complete coursework in California law and ethics as follows:

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

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

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

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

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

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

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

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

§4980.79. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS LICENSED OUTSIDE OF CALIFORNIA

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

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

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

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

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

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

(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

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

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by

the board, who does not meet the practicum requirement, shall remediate it by obtaining 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy. These hours are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while registered as an intern.

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

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

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

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

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

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

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

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

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

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

§4980.81. ADDITIONAL COURSEWORK REQUIREMENTS FOR OUT-OF-STATE APPLICANTS

This section applies to persons subject to Section 4980.78 or 4980.79, who apply for licensure or registration on or after January 2016.

(a) For purposes of Sections 4980.78 and 4980.79, an applicant shall meet all of the following educational requirements:

(1) A minimum of two semester units of instruction in the diagnosis, assessment, prognosis, and treatment of mental disorders, including severe mental disorders, evidence-based practices, and promising mental health practices that are evaluated in peer reviewed literature.

(2) At least one semester unit or 15 hours of instruction in psychological testing and at least one semester unit or 15 hours of instruction in psychopharmacology.

(3) (A) Developmental issues from infancy to old age, including demonstration of at least one semester unit, or 15 hours, of instruction that includes all of the following subjects:

(i) The effects of developmental issues on individuals, couples, and family relationships.

(ii) The psychological, psychotherapeutic, and health implications of developmental issues and their effects.

(iii) The understanding of the impact that personal and social insecurity, social stress, low educational levels, inadequate housing, and malnutrition have on human development.

(B) An applicant who is deficient in any of these subjects may remediate the coursework by completing three hours of instruction in each deficient subject.

(4) (A) The broad range of matters and life events that may arise within marriage and family relationships and within a variety of California cultures, including instruction in all of the following:

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

(ii) A minimum of 10 contact hours of coursework that includes all of the following:

(I) The assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(II) Aging and its biological, social, cognitive, and psychological aspects.

(III) Long-term care.

(IV) End-of-life and grief.

(iii) A minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iv) Cultural factors relevant to abuse of partners and family members.

(v) Childbirth, child rearing, parenting, and stepparenting.

(vi) Marriage, divorce, and blended families.

(vii) Poverty and deprivation.

(viii) Financial and social stress.

(ix) Effects of trauma.

- (x) The psychological, psychotherapeutic, community, and health implications of the matters and life events described in clauses (i) to (ix), inclusive.
- (5) At least one semester unit, or 15 hours, of instruction in multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability, and their incorporation into the psychotherapeutic process.
- (6) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25 and any regulations promulgated under that section, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.
- (7) A minimum of 15 contact hours of coursework in substance use disorders, and a minimum of 15 contact hours of coursework in cooccurring disorders and addiction. The following subjects shall be included in this coursework:
- (A) The definition of substance use disorders, cooccurring disorders, and addiction. For purposes of this subparagraph "cooccurring disorders" means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.
- (B) Medical aspects of substance use disorders and cooccurring disorders.
- (C) The effects of psychoactive drug use.
- (D) Current theories of the etiology of substance abuse and addiction.
- (E) The role of persons and systems that support or compound substance abuse and addiction.
- (F) Major approaches to identification, evaluation, and treatment of substance use disorders, cooccurring disorders, and addiction, including, but not limited to, best practices.
- (G) Legal aspects of substance abuse.
- (H) Populations at risk with regard to substance use disorders and cooccurring disorders.
- (I) Community resources offering screening, assessment, treatment, and followup for the affected person and family.
- (J) Recognition of substance use disorders, cooccurring disorders, and addiction, and appropriate referral.
- (K) The prevention of substance use disorders and addiction.
- (8) A minimum of a two semester or three quarter unit course in law and professional ethics for marriage and family therapists, including instruction in all of the following subjects:
- (A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.
- (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, 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, the patient dangerous to self or others, and the treatment of minors with and without parental consent.
- (E) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.

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

(G) Licensing law and licensing process.

ARTICLE 2. DENIAL, SUSPENSION, AND REVOCATION

§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) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.
- (t) Permitting a trainee or registered intern under one's supervision or control to perform, or permitting the trainee or registered intern to hold himself or herself out as competent to perform, professional services beyond the trainee's or registered intern's level of education, training, or experience.
- (u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.
- (v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (x) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

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

(z) Failure to comply with Section 2290.5.

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

§4982.05. ENFORCEMENT STATUTE OF LIMITATIONS

(a) Except as provided in subdivisions (b), (c), and (e) any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).

(c) The limitation provided for by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) and the 10-year limitations period provided for by subdivision (e) shall be tolled until the minor reaches the age of majority.

(e) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging sexual misconduct shall be filed within three years after the board discovers the act or omission alleged as the grounds for disciplinary action, or within 10 years after the act or omission alleged as the grounds for disciplinary action occurs, whichever occurs first. This subdivision shall apply to a complaint alleging sexual misconduct received by the board on and after January 1, 2002.

(f) The limitations period provided by subdivision (a) shall be tolled during any period if material evidence necessary for prosecuting or determining whether a disciplinary action would be appropriate is unavailable to the board due to an ongoing criminal investigation.

(g) For purposes of this section, "discovers" means the later of the occurrence of any of the following with respect to each act or omission alleged as the basis for disciplinary action:

(1) The date the board received a complaint or report describing the act or omission.

(2) The date, subsequent to the original complaint or report, on which the board became aware of any additional acts or omissions alleged as the basis for disciplinary action against the same individual.

(3) The date the board receives from the complainant a written release of information pertaining to the complainant's diagnosis and treatment.

UNCODIFIED LAW RELATING TO SECTION 4982.05

This act shall apply to all accusations filed on or after January 1, 2000.

§4982.1. MENTAL ILLNESS OR CHEMICAL DEPENDENCY; GROUNDS FOR REFUSAL TO LICENSE OR REGISTER

The board may refuse to issue any registration or license whenever it appears that an applicant may be unable to practice his or her profession safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to any denial of a license or registration pursuant to this section.

§4982.15. PLACING OF LICENSE OR REGISTRATION ON PROBATION; CIRCUMSTANCES

(a) The board may place a license or registration on probation under the following circumstances:

(1) In lieu of, or in addition to, any order of the board suspending or revoking the license or registration of any licensee or intern.

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

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

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

(c) The board, in its discretion, may require any licensee or registrant who has been placed on probation, or whose license or registration has been suspended, to obtain additional professional training, and to pass an examination upon completion of that training, and to pay any necessary examination fee. The examination may be written, oral, or a practical or clinical examination.

§4982.25. DENIAL OF APPLICATION OR SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION; GROUNDS

The board may deny an application, or may suspend or revoke a license or registration issued under this chapter, for any of the following:

(a) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States, or by any other governmental agency, on a license, certificate, or registration to practice marriage and family therapy, or any other healing art, shall constitute unprofessional conduct. A certified copy of the disciplinary action decision or judgment shall be conclusive evidence of that action.

(b) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a marriage and family therapist, clinical social worker, professional clinical counselor, or educational psychologist shall also constitute grounds for disciplinary action for unprofessional conduct against the licensee or registrant under this chapter.

§4982.26. DECISION CONTAINING FINDING THAT LICENSEE OR REGISTRANT ENGAGED IN SEXUAL CONTACT WITH PATIENT OR FORMER PATIENT; ORDER OF REVOCATION

The board shall revoke any license issued under this chapter upon a decision made in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 729, when that act is with a patient, or with a former patient when the relationship was terminated primarily for the purpose of engaging in that act. The revocation shall not be stayed by the administrative law judge or the board.

§4982.3. CONDUCT OF PROCEEDINGS

The proceedings conducted under this article shall be held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

ARTICLE 3. PENALTIES

§4983. VIOLATION; MISDEMEANOR; PUNISHMENT

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both.

§4983.1. INJUNCTION

In addition to other proceedings provided for in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

ARTICLE 4. REVENUE

§4984. EXPIRATION OF LICENSES; RENEWAL OF UNEXPIRED LICENSES

(a) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(b) To renew an unexpired license, the licensee, on or before the expiration date of the license, shall do all of the following:

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

(2) Pay a two-year renewal fee prescribed by the board.

(3) Certify compliance with the continuing education requirements set forth in Section 4980.54.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

§4984.01. INTERN REGISTRATION; DURATION; RENEWAL

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

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

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

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

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

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

(c) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a 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 4980.399. An applicant who is issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

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

§4984.1. RENEWAL OF EXPIRED LICENSES

A licensee may renew a license at any time within three years after its expiration by completing all of the actions described in subdivision (b) of Section 4984 and paying any delinquency fees.

§4984.2. RENEWAL OF SUSPENDED LICENSE; EFFECT OF RENEWAL

A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

§4984.3. REVOKED LICENSE; REINSTATEMENT AFTER EXPIRATION

A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

§4984.4. TIME LIMIT FOR RENEWAL AFTER EXPIRATION; NEW LICENSE

A license that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued; however, the former licensee may apply for and obtain a new license if the following criteria are satisfied:

- (a) No fact, circumstance, or condition exists that, if the license were issued, would constitute grounds for its revocation or suspension.
- (b) He or she submits an application for examination eligibility and the fee for that application.
- (c) He or she takes and passes the current licensing examinations.
- (d) He or she submits the fee for initial license issuance.
- (e) He or she complies with the fingerprint requirements established by board regulation.

§4984.41. ISSUANCE OF A RETIRED LICENSE – MARRIAGE AND FAMILY THERAPIST

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a marriage and family therapist who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active marriage and family therapist license is required.

(c) The holder of a retired license shall not be required to renew that license.

(d) The holder of a retired license may apply to restore to active status his or her license to practice marriage and family therapy if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:

- (1) Has not committed an act or crime constituting grounds for denial of licensure.
- (2) Pays the renewal fee required by this chapter.
- (3) Completes the required continuing education as specified in Section 4980.54.
- (4) Complies with the fingerprint submission requirements established by the board in regulation.

(e) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section less than one year from the date of the application, shall complete 18 hours of continuing education as specified in Section 4980.54.

(f) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section one or more years from the date of the application, shall complete 36 hours of continuing education as specified in Section 4980.54.

(g) The holder of a retired license may apply to restore to active status his or her license to practice marriage and family therapy if that retired license was issued three or more years prior to the application date, and the applicant meets all of the following requirements:

- (1) Has not committed an act or crime constituting grounds for denial of licensure.
- (2) Applies for licensure and pays the fee required by this chapter.
- (3) Passes the examinations required for licensure.
- (4) Complies with the fingerprint submission requirements established by the board in regulation.

§4984.5. BOARD REPORT AND PAYMENT OF REVENUE

The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Behavioral Sciences Fund.

§4984.7. LICENSING AND EXAM FEES SCHEDULE

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

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

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

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

- (5) The fee for rescoring an examination shall be twenty dollars (\$20).
- (6) The fee for issuance of an initial license shall be a maximum of one hundred eighty dollars (\$180).
- (7) The fee for license renewal shall be a maximum of one hundred eighty dollars (\$180).

- (8) The fee for inactive license renewal shall be a maximum of ninety dollars (\$90).
- (9) The renewal delinquency fee shall be a maximum of ninety dollars (\$90). A person who permits his or her license to expire is subject to the delinquency fee.
- (10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).
- (11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).
- (12) The fee for issuance of a retired license shall be forty dollars (\$40).
- (b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.
- (c) This section shall become operative on January 1, 2016.

§4984.72. FAILED CLINICAL EXAMINATION; REEXAMINATION; NEW APPLICATION REQUIREMENT

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

§4984.75. ADDITIONAL LICENSE RENEWAL FEE; MENTAL HEALTH PRACTITIONER EDUCATION FUND

In addition to the fees charged pursuant to Section 4984.7 for the biennial renewal of a license pursuant to Section 4984, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

§4984.8. INACTIVE LICENSE

- (a) A licensee may apply to the board to request that his or her license be placed on inactive status.
- (b) A licensee on inactive status shall be subject to this chapter and shall not engage in the practice of marriage and family therapy in this state.
- (c) A licensee who holds an inactive license shall pay a biennial fee in the amount of one-half of the standard renewal fee and shall be exempt from continuing education requirements.
- (d) A licensee on inactive status who has not committed an act or crime constituting grounds for denial of licensure may, upon request, restore his or her license to practice marriage and family therapy to active status.
- (1) A licensee requesting to restore his or her license to active status between renewal cycles shall pay the remaining one-half of his or her renewal fee.

(2) A licensee requesting to restore his or her license to active status, whose license will expire less than one year from the date of the request, shall complete 18 hours of continuing education as specified in Section 4980.54.

(3) A licensee requesting to restore his or her license to active status, whose license will expire more than one year from the date of the request, shall complete 36 hours of continuing education as specified in Section 4980.54.

§4984.9. LICENSEE OR REGISTRANT NAME CHANGE

A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

ARTICLE 6. MARRIAGE AND FAMILY THERAPIST CORPORATIONS

§4987.5. DEFINITION

A marriage and family therapy corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are licensed marriage and family therapists, physicians and surgeons, psychologists, licensed professional clinical counselors, licensed clinical social workers, registered nurses, chiropractors, or acupuncturists are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and any other statute or regulation pertaining to that corporation and the conduct of its affairs. With respect to a marriage and family therapy corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Sciences.

§4987.6. UNPROFESSIONAL CONDUCT

It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act (Part 4(commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or any regulations duly adopted under those laws.

§4987.7. NAME

The name of a marriage and family therapy corporation shall contain one or more of the words "marriage," "family," or "child" together with one or more of the words "counseling," "counselor," "therapy," or "therapist," and wording or abbreviations denoting corporate existence. A marriage and family therapy corporation that conducts business under a fictitious business name shall not use any name that is false, misleading or deceptive, and shall inform the patient, prior to the commencement of treatment, that the business is conducted by a marriage and family therapy corporation.

§4987.8. DIRECTORS, SHAREHOLDERS AND OFFICERS; NECESSITY OF LICENSE

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a marriage and family therapy corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

§4988. INCOME FOR PROFESSIONAL SERVICES NOT TO ACCRUE TO DISQUALIFIED SHAREHOLDERS

The income of a marriage and family therapy corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of that shareholder or his or her shares in the marriage and family therapy corporation.

§4988.1. CORPORATE UNPROFESSIONAL CONDUCT

A marriage and family therapy corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by statutes, rules and regulations to the same extent as a person holding a license as a marriage and family therapist.

§4988.2. RULES AND REGULATIONS

The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a marriage and family therapy corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person (as defined in the Moscone-Knox Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within the time that rules and regulations may provide, and (b) that a marriage and family therapy corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

ARTICLE 7. REVIEW

§4989. POWERS AND DUTIES OF BOARD; DATE OF REVIEW

The powers and duties of the board, as set forth in this chapter, shall be subject to the review required by Division 1.2 (commencing with Section 473). The first review shall be performed as if this chapter were scheduled to become inoperative on July 1, 2005, and would be repealed as of January 1, 2006, as described in Section 473.1.

CHAPTER 13.5. LICENSED EDUCATIONAL PSYCHOLOGISTS

ARTICLE 1. GENERAL

§4989.10. EDUCATIONAL PSYCHOLOGIST PRACTICE ACT

This chapter shall be known, and may be cited as, the Educational Psychologist Practice Act.

§4989.12. ADMINISTRATION AND ENFORCEMENT OF CHAPTER

The Board of Behavioral Sciences shall administer and enforce the provisions of this chapter. For the purposes of this chapter it shall be designated as the board.

§4989.13. ENGAGING IN PRACTICE

A person engages in the practice of educational psychology when he or she performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.

§4989.14. SCOPE OF PRACTICE

The practice of educational psychology is the performance of any of the following professional functions pertaining to academic learning processes or the educational system or both:

- (a) Educational evaluation.
- (b) Diagnosis of psychological disorders related to academic learning processes.
- (c) Administration of diagnostic tests related to academic learning processes including tests of academic ability, learning patterns, achievement, motivation, and personality factors.
- (d) Interpretation of diagnostic tests related to academic learning processes including tests of academic ability, learning patterns, achievement, motivation, and personality factors.
- (e) Providing psychological counseling for individuals, groups, and families.
- (f) Consultation with other educators and parents on issues of social development and behavioral and academic difficulties.
- (g) Conducting psychoeducational assessments for the purposes of identifying special needs.
- (h) Developing treatment programs and strategies to address problems of adjustment.
- (i) Coordinating intervention strategies for management of individual crises.

§4989.16. LICENSING EXCEPTIONS

(a) A person appropriately credentialed by the Commission on Teacher Credentialing may perform the functions authorized by that credential in a public school without a license issued under this chapter by the board.

(b) Nothing in this chapter shall be construed to constrict, limit, or withdraw the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), the Psychology Licensing Law (Chapter 6.6 (commencing with Section 2900)), the Licensed Marriage and Family Therapist Practice Act (Chapter 13 (commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), or the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)).

§4989.18. RULES OF PROFESSIONAL CONDUCT

The board may, by rules or regulations, adopt, amend, or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession, provided those rules or regulations are not inconsistent with Section 4989.54. Every person licensed under this chapter shall be governed by those rules of professional conduct.

ARTICLE 2. LICENSURE

§4989.20. LICENSURE REQUIREMENTS

(a) The board may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to the board, the following requirements:

(1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent by the board. This degree shall be obtained from an educational institution approved by the board according to the regulations adopted under this chapter.

(2) Attainment of 18 years of age.

(3) No commission of an act or crime constituting grounds for denial of licensure under Section 480.

(4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.

(5) Two years of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.

(6) One of the following:

(A) One year of supervised professional experience in an accredited school psychology program.

(B) In addition to the requirements of paragraph (5), one year of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools obtained under the direction of a licensed educational psychologist or a licensed psychologist.

(7) Passage of an examination specified by the board.

§4989.22. EXAMINATION

(a) Only persons who satisfy the requirements of Section 4989.20 are eligible to take the licensure examination.

(b) An applicant who fails the written examination may, within one year from the notification date of failure, retake the examination as regularly scheduled without further application. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required.

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

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

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

§4989.24. CONVICTION INVOLVING SEXUAL ABUSE OF CHILDREN

The board shall not issue a license to a person who has been convicted of a crime in this or any other state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

§4989.26. GROUNDS FOR REFUSAL TO ISSUE LICENSE; MENTAL ILLNESS OR CHEMICAL DEPENDENCY

The board may refuse to issue a license to an applicant if it appears he or she may be unable to practice safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to a denial of a license pursuant to this section.

§4989.28. DENIAL OF APPLICATION FOR UNPROFESSIONAL CONDUCT

The board may deny an application for licensure if the applicant is or has been guilty of unprofessional conduct as described in Section 4989.54.

ARTICLE 3. RENEWAL AND CONTINUING EDUCATION

§4989.30. EXPIRATION OF LICENSE

A license issued under this chapter shall expire no later than 24 months after its date of issue. The expiration date of the original license shall be set by the board.

§4989.32. RENEWAL OF UNEXPIRED LICENSE

To renew an unexpired license, the licensee shall, on or before the expiration date of the license, take all of the following actions:

- (a) Apply for renewal on a form prescribed by the board.
- (b) Pay a renewal fee prescribed by the board.
- (c) Inform the board of whether he or she has been convicted, as defined in Section 490, of any misdemeanor or felony and whether any disciplinary action has been taken by a regulatory or licensing board in this or any other state after the prior issuance or renewal of his or her license.
- (d) Complete the continuing education requirements described in Section 4989.34.

§4989.34. CONTINUING EDUCATION REQUIREMENTS

- (a) To renew his or her license, a licensee shall certify to the board, on a form prescribed by the board, completion in the preceding two years of not less than 36 hours of approved continuing education in, or relevant to, educational psychology.
- (b) (1) The continuing education shall be obtained from either an accredited university or a continuing education provider as specified by the board by regulation.
- (2) The board shall establish, by regulation, a procedure identifying acceptable providers of continuing education courses, and all providers of continuing education shall comply with procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.
- (c) Training, education, and coursework by approved providers shall incorporate one or more of the following:
 - (1) Aspects of the discipline that are fundamental to the understanding or the practice of educational psychology.
 - (2) Aspects of the discipline of educational psychology in which significant recent developments have occurred.
 - (3) Aspects of other disciplines that enhance the understanding or the practice of educational psychology.
- (d) The board may audit the records of a licensee to verify completion of the continuing education requirement. A licensee shall maintain records of the completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon its request.
- (e) The board may establish exceptions from the continuing education requirements of this section for good cause, as determined by the board.
- (f) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The amount of the fees shall be sufficient to meet, but shall not exceed, the costs of administering this section.
- (g) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

§4989.36. RENEWAL OF EXPIRED LICENSE

A licensee may renew a license that has expired at any time within three years after its expiration date by taking all of the actions described in Section 4989.32 and by paying all unpaid prior renewal fees and delinquency fees.

§4989.38. RENEWAL OF SUSPENDED LICENSE

A suspended license is subject to expiration as provided in this article and may be renewed, following the period of suspension, if the licensee takes all of the actions described in Section 4989.32.

§4989.40. EXPIRATION AND REINSTATEMENT OF REVOKED LICENSE

A revoked license is subject to expiration as provided in this article and shall not be renewed. The applicant may apply to the board for reinstatement of his or her license and shall pay a reinstatement fee in an amount equal to the renewal fee in effect at that time and any delinquency fees that may have accrued and comply with other requirements of the board for reinstatement.

§4989.42. TIME LIMIT FOR RENEWAL AFTER EXPIRATION; NEW LICENSE

A license that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter. A former licensee may apply for a new license if he or she satisfies all of the following requirements:

- (a) No fact, circumstance, or condition exists that, if the license were issued, would constitute grounds for its revocation or suspension.
- (b) Payment of the fees that would be required if he or she were applying for a license for the first time.
- (c) Passage of the current licensure examination.
- (d) He or she complies with the fingerprint requirements established by board regulation.

§4989.44. INACTIVE LICENSE

- (a) A licensee may apply to the board to request that his or her license be placed on inactive status.
- (b) A licensee on inactive status shall be subject to this chapter and shall not engage in the practice of educational psychology in this state.
- (c) A licensee who holds an inactive license shall pay a biennial fee of one-half of the amount of the standard renewal fee.
- (d) A licensee on inactive status who has not committed an act or crime constituting grounds for denial of licensure may, upon request, restore his or her license to practice educational psychology to active status. A licensee requesting that his or her license be placed on active status between renewal cycles shall pay the remaining one-half of his or her renewal fee. A licensee requesting to restore his or her license to active status, whose license will expire less than one year from the date of the request, shall complete 18 hours of continuing education as specified in Section 4989.34. A licensee requesting to restore his or her license to active status,

whose license will expire more than one year from the date of the request, shall complete 36 hours of continuing education as specified in Section 4989.34.

§4989.45. ISSUANCE OF A RETIRED LICENSE – LICENSED EDUCATIONAL PSYCHOLOGIST

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a licensed educational psychologist who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active educational psychologist license is required.

(c) The holder of a retired license shall not be required to renew that license.

(d) The holder of a retired license may apply to restore to active status his or her license to practice educational psychology if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:

(1) Has not committed an act or crime constituting grounds for denial of licensure.

(2) Pays the renewal fee fixed by this chapter.

(3) Completes the required continuing education as specified in Section 4989.34.

(4) Complies with the fingerprint submission requirements established by the board in regulation.

(e) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section less than one year from the date of the application, shall complete 18 hours of continuing education as specified in Section 4989.34.

(f) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section one or more years from the date of application, shall complete 36 hours of continuing education as specified in Section 4989.34.

(g) The holder of a retired license may apply to restore to active status his or her license to practice educational psychology if that retired license was issued three or more years prior to the application date, and the applicant meets all of the following requirements:

(1) Has not committed an act or crime constituting grounds for denial of licensure.

(2) Applies for licensure and pays the required fee.

(3) Passes the examinations required for licensure.

(4) Complies with the fingerprint submission requirements established by the board in regulation.

ARTICLE 4. REGULATION

§4989.46. NAME CHANGE REQUIREMENTS

A licensee shall give written notice to the board of a name change within 30 days after each change, providing both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

§4989.48. DISPLAY OF LICENSE

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

§4989.49 ADVERTISING

"Advertising," 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, magazine, or directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in bulletins from a religious organization mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

§4989.50. NECESSITY OF LICENSE; UNAUTHORIZED REPRESENTATION AS A LICENSEE

Except as authorized by this chapter, it is unlawful for any person to practice educational psychology or use any title or letters that imply that he or she is a licensed educational psychologist unless, at the time of so doing, he or she holds a valid, unexpired, and unrevoked license issued under this chapter.

4989.51. CLIENT RECORDS: RETENTION

(a) A licensed educational psychologist shall retain a client's health service records for a minimum of seven years from the date therapy is terminated. If the client is a minor, the client's health service records shall be retained for a minimum of seven years from the date the client reaches 18 years of age. Health service records may be retained in either a written or an electronic format.

(b) This section shall apply only to the records of a client whose therapy is terminated on or after January 1, 2015.

§4989.52. COMPENSATION IN RELATION TO PROFESSIONAL COUNSELING SERVICES

All consideration, compensation, or remuneration received by the licensee shall be in relation to professional counseling services actually provided by the licensee. Nothing in this section shall prevent collaboration among two or more licensees in a case. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made to the client.

ARTICLE 5. ENFORCEMENT

§4989.54. UNPROFESSIONAL CONDUCT

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

(a) Conviction of a crime substantially related to the qualifications, functions, and duties of an educational psychologist.

(1) The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(2) 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 under this chapter.

(3) 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 under this chapter shall be deemed to be a conviction within the meaning of this section.

(4) The board may order a license suspended or revoked, or may decline to issue a license 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 by fraud, deceit, or misrepresentation on an application for licensure submitted to the board, whether engaged in by an applicant for a license or by a licensee in support of an application for licensure.

(c) Administering to himself or herself a controlled substance or using any of the dangerous drugs specified in Section 4022 or an alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to himself or herself or to any other person or to the public or to the extent that the use impairs his or her ability to safely perform the functions authorized by the license. The board shall deny an application for a license or revoke the license 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 educational psychology.

(d) Failure to comply with the consent provisions in Section 2290.5.

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

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

(g) Commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee.

(h) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States or by any other governmental agency, on a license, certificate, or registration to practice educational psychology or any other healing art. A certified copy of the disciplinary action, decision, or judgment shall be conclusive evidence of that action.

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

- (j) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (k) Gross negligence or incompetence in the practice of educational psychology.
- (l) Misrepresentation as to the type or status of a license held by the licensee or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.
- (m) Intentionally or recklessly causing physical or emotional harm to any client.
- (n) Engaging in sexual relations with a client or a former client within two years following termination of professional services, 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 educational psychologist.
- (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.
- (q) Failing 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.
- (r) Performing, holding himself or herself out as being able to perform, or offering to perform any professional services beyond the scope of the license authorized by this chapter or beyond his or her field or fields of competence as established by his or her education, training, or experience.
- (s) Reproducing or describing in public, or in any publication subject to general public distribution, any psychological test or other assessment device the value of which depends in whole or in part on the naivete of the subject in ways that might invalidate the test or device. An educational psychologist shall limit access to the test or device to persons with professional interests who can be expected to safeguard its use.
- (t) Aiding or abetting an unlicensed person to engage in conduct requiring a license under this chapter.
- (u) When employed by another person or agency, encouraging, either orally or in writing, the employer's or agency's clientele to utilize his or her private practice for further counseling without the approval of the employing agency or administration.
- (v) Failing to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (w) Failing to comply with the elder and adult dependent abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (x) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.
- (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.

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

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

(ab) Permitting a person under his or her supervision or control to perform, or permitting that person to hold himself or herself out as competent to perform, professional services beyond the level of education, training, or experience of that person.

§4989.56. REVOCATION OF LICENSE; USE OF DRUGS IN PRACTICE

The board shall revoke the license of a licensee, other than one who is also licensed as a physician and surgeon, who uses or offers to use drugs in the course of his or her practice as an educational psychologist.

§4989.58. REVOCATION OF LICENSE DUE TO SEXUAL CONTACT WITH A CLIENT

The board shall revoke the license of a licensee upon a decision that contains a finding of fact that the licensee engaged in an act of sexual contact, as defined in Section 729, when that act is with a client, or with a former client and the relationship was terminated primarily for the purpose of engaging in that act. The revocation shall not be stayed by the administrative law judge or the board.

§4989.60. PROHIBITED ACTIVITIES PENDING REINSTATEMENT OF LICENSE

A person whose license has been suspended or revoked shall not, until the reinstatement of his or her license, engage in any activity to which the license relates or any other activity or conduct in violation of the order or judgment by which the license was suspended.

§4989.62. CONDUCT OF DISCIPLINARY PROCEEDINGS

All proceedings by the board to suspend, revoke, or to take other disciplinary action against a licensee shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

§4989.64. ISSUANCE OF INJUNCTION OR OTHER ORDER TO RESTRAIN CONDUCT

In addition to other proceedings provided for in this chapter, whenever a person has engaged, or is about to engage, in an act or practice that constitutes, or will constitute, an offense against this chapter, the superior court in and for the county where the act or practice takes place, or is about to take place, may issue an injunction, or other appropriate order, restraining that conduct on application of the board, the Attorney General, or the district attorney of the county. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

§4989.66. VIOLATION OF CHAPTER; MISDEMEANOR

A person who violates any of the provisions of this chapter is guilty of a misdemeanor.

ARTICLE 6. REVENUE

§4989.68. FEE SCHEDULE

(a) The board shall assess the following fees relating to the licensure of educational psychologists:

- (1) The application fee for examination eligibility shall be one hundred dollars (\$100).
- (2) The fee for issuance of the initial license shall be a maximum amount of one hundred fifty dollars (\$150).
- (3) The fee for license renewal shall be a maximum amount of one hundred fifty dollars (\$150).
- (4) The delinquency fee shall be a maximum amount of seventy-five dollars (\$75). A person who permits his or her license to become delinquent may have it restored only upon payment of all the fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all delinquency fees.
- (5) The written examination fee shall be one hundred dollars (\$100). An applicant who fails to appear for an examination, once having been scheduled, shall forfeit any examination fees he or she paid.
- (6) The fee for rescoring a written examination shall be twenty dollars (\$20).
- (7) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).
- (8) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).
- (9) The fee for issuance of a retired license shall be forty dollars (\$40).

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

§4989.70. REPORTING REVENUE TO CONTROLLER; DEPOSIT TO STATE TREASURY

The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Behavioral Sciences Fund.

CHAPTER 13.7. BOARD OF BEHAVIORAL SCIENCES

ARTICLE 1. ADMINISTRATION

§4990. BOARD MEMBERS

(a) There is in the Department of Consumer Affairs, a Board of Behavioral Sciences that consists of the following members:

- (1) Two state licensed clinical social workers.
- (2) One state licensed educational psychologist.
- (3) Two state licensed marriage and family therapists.
- (4) One state licensed professional clinical counselor.
- (5) Seven public members.

(b) Each member, except the seven public members, shall have at least two years of experience in her or his profession.

(c) Each member shall reside in the State of California.

(d) The Governor shall appoint five of the public members and the six licensed members with the advice and consent of the Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Senate Committee on Rules or the Speaker of the Assembly shall hold office until the appointment and qualification of his or her successor or until one year from the expiration date of the term for which she or he was appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of her or his successor or until 60 days from the expiration date of the term for which he or she was appointed, whichever first occurs.

(f) A vacancy on the board shall be filled by appointment for the unexpired term by the authority who appointed the member whose membership was vacated.

(g) Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

(h) Each member of the board shall receive a per diem and reimbursement of expenses as provided in Section 103.

(i) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

(j) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

§4990.02. DEFINITION OF "BOARD"

"Board," as used in this chapter, Chapter 13 (commencing with Section 4980), Chapter 13.5 (commencing with Section 4989.10), Chapter 14 (commencing with Section 4991), and Chapter 16 (commencing

with Section 4999.10) means the Board of Behavioral Sciences.

§4990.04. EXECUTIVE OFFICER

- (a) The board shall appoint an executive officer. This position is designated as a confidential position and is exempt from civil service under subdivision (e) of Section 4 of Article VII of the California Constitution.
- (b) The executive officer serves at the pleasure of the board.
- (c) The executive officer shall exercise the powers and perform the duties delegated by the board and vested in her or him by this chapter.
- (d) With the approval of the director, the board shall fix the salary of the executive officer.
- (e) The chairperson and executive officer may call meetings of the board and any duly appointed committee at a specified time and place. For purposes of this section, "call meetings" means setting the agenda, time, date, or place for any meeting of the board or any committee.
- (f) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

§4990.06. EMPLOYEES

Subject to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code) and except as provided by Sections 155, 156, and 159.5, the board may employ any clerical, technical, and other personnel as it deems necessary to carry out the provisions of this chapter and the other chapters it administers and enforces, within budget limitations.

§4990.08. RECORDS OF PROCEEDINGS, APPLICANTS AND LICENSEES

The board shall keep an accurate record of all of its proceedings and a record of all applicants for licensure and all individuals to whom it has issued a license.

§4990.09. INTERNET PUBLICATION OF FINAL DETERMINATION; TIME LIMIT

The board shall not publish on the Internet the final determination of a citation and fine of one thousand five hundred dollars (\$1,500) or less issued against a licensee or registrant pursuant to Section 125.9 for a period of time in excess of five years from the date of issuance of the citation.

§4990.10. RESEARCH, STUDIES AND RECOMMENDATIONS

The board may conduct research in, and make studies of problems involved in, the maintaining of professional standards among those engaged in the professions it licenses and may publish its recommendations thereon.

§4990.12. ADMINISTRATION AND ENFORCEMENT OF CHAPTERS; POWERS AND DUTIES OF BOARD AND EXECUTIVE OFFICER

The duty of administering and enforcing this chapter, Chapter 13 (commencing with Section 4980), Chapter 13.5 (commencing with Section 4989.10), Chapter 14 (commencing with Section 4991), and Chapter 16 (commencing with Section 4999.10) is vested in the board and the executive officer subject to, and under the direction of, the board. In the performance of this duty, the board and the executive officer have all the powers

and are subject to all the responsibilities vested in, and imposed upon, the head of a department by Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

§4990.14. BOARD SEAL

The board shall have and use a seal bearing the words "The Board of Behavioral Sciences," and shall otherwise conform to Section 107.5.

§4990.16. PROTECTION OF THE PUBLIC

Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

§4990.18. LEGISLATIVE INTENT; BOARD RESOURCES

It is the intent of the Legislature that the board employ its resources for each and all of the following functions:

- (a) The licensure of marriage and family therapists, clinical social workers, professional clinical counselors, and educational psychologists.
- (b) The development and administration of licensure examinations and examination procedures consistent with prevailing standards for the validation and use of licensing and certification tests. Examinations shall measure knowledge and abilities demonstrably important to the safe, effective practice of the profession.
- (c) Enforcement of laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.
- (d) Consumer education.

§4990.20. RULES AND REGULATIONS; ARTICLES OF INCORPORATION AND CORPORATE INSURANCE

(a) The board may adopt rules and regulations as necessary to administer and enforce the provisions of this chapter and the other chapters it administers and enforces. The adoption, amendment, or repeal of those rules and regulations shall be made in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The board may formulate and enforce rules and regulations requiring the following:

- (1) That the articles of incorporation or bylaws of a marriage and family therapist corporation, a licensed clinical social worker corporation, or a professional clinical counselor corporation include a provision whereby the capital stock of that corporation owned by a disqualified person, as defined in the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or a deceased person shall be sold to the corporation or to the remaining shareholders of that corporation within the time that the rules and regulations may provide.
- (2) That a marriage and family therapist corporation, a licensed clinical social worker corporation, or a professional clinical counselor corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

§4990.22. BEHAVIORAL SCIENCES FUND; REVENUE; SURPLUSES

(a) The Behavioral Sciences Fund shall be used for the purposes of carrying out and enforcing the provisions of this chapter and the chapters listed in Section 4990.12. All moneys in the fund shall be expended, upon appropriation of the Legislature, by the board for the purposes of the programs under its jurisdiction.

(b) The board shall keep records that reasonably ensure that funds expended in the administration of each licensure or registration category shall bear a reasonable relation to the revenue derived from each category and report to the department no later than May 31 of each year on those expenditures.

(c) Surpluses, if any, may be used by the board in a manner that bears a reasonable relation to the revenue derived from each licensure or registration category and may include, but not be limited to, expenditures for education and research related to each of the licensing or registration categories.

§4990.24. REVIEW OF POWERS AND DUTIES OF BOARD

The powers and duties of the board, as set forth in this chapter, shall be subject to the review required by Division 1.2 (commencing with Section 473).

§4990.26. BOARD NAME

Wherever "Board of Behavioral Science Examiners," "Board of Social Work Examiners of the State of California," or "Social Worker and Marriage Counselor Qualifications Board of the State of California" is used in any law or regulations of this state, it shall mean the Board of Behavioral Sciences.

ARTICLE 2. DISCIPLINARY ACTIONS

§4990.28. GROUNDS FOR REFUSAL TO ISSUE LICENSE OR REGISTRATION; MENTAL ILLNESS OR CHEMICAL DEPENDENCY

The board may refuse to issue a registration or license under the chapters it administers and enforces whenever it appears that the applicant may be unable to practice his or her profession safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to denial of a license or registration pursuant to this section.

§4990.30. PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY

(a) A licensed marriage and family therapist, marriage and family therapist intern, licensed clinical social worker, associate clinical social worker, licensed professional clinical counselor, professional clinical counselor intern, or licensed educational psychologist whose license or registration has been revoked, suspended, or placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation. The petition shall be on a form provided by the board and shall state any facts and information as may be required by the board including, but not limited to, proof of compliance with the terms and conditions of the underlying disciplinary order. The petition shall be verified by the petitioner who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.

(b) The licensee or registrant may file the petition on or after the expiration of the following timeframes, each of

which commences on the effective date of the decision ordering the disciplinary action or, if the order of the board, or any portion of it, is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) Three years for reinstatement of a license or registration that was revoked for unprofessional conduct, except that the board may, in its sole discretion, specify in its revocation order that a petition for reinstatement may be filed after two years.

(2) Two years for early termination of any probation period of three years or more.

(3) One year for modification of a condition, reinstatement of a license or registration revoked for mental or physical illness, or termination of probation of less than three years.

(c) The petition may be heard by the board itself or the board may assign the petition to an administrative law judge pursuant to Section 11512 of the Government Code.

(d) The petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets.

(e) The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition and an opportunity to present both oral and documentary evidence and argument to the board or the administrative law judge.

(f) The petitioner shall at all times have the burden of production and proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(g) The board, when it is hearing the petition itself, or an administrative law judge sitting for the board, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time his or her license or registration was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability.

(h) The hearing may be continued from time to time as the board or the administrative law judge deems appropriate but in no case may the hearing on the petition be delayed more than 180 days from its filing without the consent of the petitioner.

(i) The board itself, or the administrative law judge if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision. In a decision granting a petition reinstating a license or modifying a penalty, the board itself, or the administrative law judge, may impose any terms and conditions that the agency deems reasonably appropriate, including those set forth in Sections 823 and 4990.40. If a petition is heard by an administrative law judge sitting alone, the administrative law judge shall prepare a proposed decision and submit it to the board. The board may take action with respect to the proposed decision and petition as it deems appropriate.

(j) The petitioner shall pay a fingerprinting fee and provide a current set of his or her fingerprints to the board. The petitioner shall execute a form authorizing release to the board or its designee, of all information concerning the petitioner's current physical and mental condition. Information provided to the board pursuant to the release shall be confidential and shall not be subject to discovery or subpoena in any other proceeding, and shall not be admissible in any action, other than before the board, to determine the petitioner's fitness to practice as required by Section 822.

(k) The board may delegate to its executive officer authority to order investigation of the contents of the petition.

(l) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or the petitioner is required to register pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an

accusation or petition to revoke probation pending against the petitioner.

(m) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

§4990.31. PETITION REQUEST; DENIAL WITHOUT HEARING

The board may deny without a hearing a request to petition for termination of probation or modification of penalty for any of the following reasons:

- (a) The petitioner has failed to comply with the terms and conditions of the disciplinary order.
- (b) The board is conducting an investigation of the petitioner while he or she is on probation.
- (c) The petitioner has a subsequent arrest that is substantially related to the qualifications, functions, or duties of the licensee or registrant and this arrest occurred while on probation.
- (d) The petitioner's probation with the board is currently tolled.

§4990.32. ENFORCEMENT STATUTE OF LIMITATIONS

(a) Except as otherwise provided in this section, an accusation filed pursuant to Section 11503 of the Government Code against a licensee or registrant under the chapters the board administers and enforces shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).

(c) The limitations period provided by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) An accusation alleging sexual misconduct shall be filed within three years after the board discovers the act or omission alleged as the grounds for disciplinary action or within 10 years after the act or omission alleged as the grounds for disciplinary action occurred, whichever occurs first. This subdivision shall apply to a complaint alleging sexual misconduct received by the board on and after January 1, 2002.

(e) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) and the 10-year limitations period provided for by subdivision (d) shall be tolled until the minor reaches the age of majority. However, if the board discovers an alleged act of sexual contact with a minor under Section 261, 286, 288, 288.5, 288a, or 289 of the Penal Code after the limitations periods described in this subdivision have otherwise expired, and there is independent evidence that corroborates the allegation, an accusation shall be filed within three years from the date the board discovers that alleged act.

(f) The limitations period provided by subdivision (a) shall be tolled during any period if material evidence necessary for prosecuting or determining whether a disciplinary action would be appropriate is unavailable to the board due to an ongoing criminal investigation.

(g) For purposes of this section, "discovers" means the latest of the occurrence of any of the following with respect to each act or omission alleged as the basis for disciplinary action:

- (1) The date the board received a complaint or report describing the act or omission.
- (2) The date, subsequent to the original complaint or report, on which the board became aware of any additional acts or omissions alleged as the basis for disciplinary action against the same individual.
- (3) The date the board receives from the complainant a written release of information pertaining to the complainant's diagnosis and treatment.

§4990.33. DISCIPLINARY ACTION: LICENSE STATUS CHANGE

Notwithstanding any other law, except as provided in Section 4990.32, the expiration, cancellation, forfeiture, or suspension of a license, registration, or other authority to practice by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license or registration by a licensee or registrant, of any license or registration within the authority of the board, shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or registrant or to render a decision suspending or revoking the license or registration.

§4990.34. PLACING LICENSE OR REGISTRATION ON PROBATION; MONITORING PROGRAM

(a) The board may place a license or registration issued under the chapters it administers and enforces on probation under the following circumstances:

- (1) In lieu of, or in addition to, any order of the board suspending or revoking the license or registration.
- (2) Upon the issuance of a license or registration to an individual who has been guilty of unprofessional conduct but who otherwise completed all education, training, and experience required for licensure or registration.
- (3) As a condition upon the reissuance or reinstatement of a license or registration that has been suspended or revoked by the board.

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

§4990.36. TRAINING OR EXAMINATION AFTER PROBATION OR SUSPENSION

The board, in its discretion, may require a licensee or registrant whose license or registration has been placed on probation or whose license or registration has been suspended, to obtain additional professional training and to pass an examination upon completion of that training and to pay any necessary examination fee. The examination may be written, oral, or a practical or clinical examination.

§4990.38. DISCIPLINARY ACTION; GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION

The board may deny an application or may suspend or revoke a license or registration issued under the chapters it administers and enforces for any disciplinary action imposed by this state or another state or territory or possession of the United States, or by a governmental agency on a license, certificate or registration to practice marriage and family therapy, clinical social work, educational psychology, professional clinical counseling, or any other healing art. The disciplinary action, which may include denial of licensure or revocation or suspension of the license or imposition of restrictions on it, constitutes unprofessional conduct. A certified copy of the disciplinary

action decision or judgment shall be conclusive evidence of that action.

§4990.40. REVOCATION OF LICENSE OR REGISTRATION DUE TO SEXUAL CONTACT WITH A PATIENT

The board shall revoke a license or registration issued under the chapters it administers and enforces upon a decision made in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains a finding of fact that the licensee or registrant engaged in an act of sexual contact, as defined in Section 729, when that act is with a patient or with a former patient when the relationship was terminated primarily for the purpose of engaging in that act. The revocation shall not be stayed by the administrative law judge or the board.

§4990.42. CONDUCT OF PROCEEDINGS

The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 14. SOCIAL WORKERS

§4991. CLINICAL SOCIAL WORKER PRACTICE ACT

This chapter shall be known, and may be cited, as the Clinical Social Worker Practice Act. It shall be liberally construed to effect its objectives.

§4991.1. ENGAGING IN PRACTICE

A person engages in the practice of clinical social work when he or she performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.

§4991.2. DEFINITION OF ACCREDITED SCHOOL OF SOCIAL WORK

"Accredited school of social work," within the meaning of this chapter, is a school that is accredited by the Commission on Accreditation of the Council on Social Work Education.

ARTICLE 2. APPLICATION OF CHAPTER

§4992. LICENSE APPLICATION; FEES

Every applicant for a license under this chapter shall file an application with the board accompanied by the application fee prescribed by this chapter. Every application received after January 1, 1988, shall also be accompanied by the examination fee prescribed by this chapter.

The application shall contain information showing that the applicant has all the qualifications required by the board for admission to the examination.

§4992.05. REQUIRED EXAMINATIONS

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

(1) A California law and ethics examination.

(2) A clinical examination.

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

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

(1) Completion of all education requirements.

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

(3) Completion of all required supervised work experience.

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

§4992.07. EXAMINATION RESTRUCTURE TRANSITION SCENARIOS

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

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

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

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

§4992.09. CALIFORNIA LAW AND ETHICS EXAMINATION

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

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

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

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

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

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

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

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

§4992.1. ELIGIBILITY FOR EXAMINATION; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION

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

§4992.2 ADVERTISING

"Advertising," 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, magazine, or directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in bulletins from a religious organization mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

§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 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 self out as being able to perform, or offering to perform or permitting, any registered associate clinical social worker or intern under supervision to perform any 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.
- (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.
- (t) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (u) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (v) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (w) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.
- (x) Failure to comply with Section 2290.5.
- (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.

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

§4992.33. DECISION CONTAINING FINDING THAT LICENSEE OR REGISTRANT ENGAGED IN SEXUAL CONTACT WITH PATIENT OR FORMER PATIENT; ORDER OF REVOCATION

The board shall revoke any license issued under this chapter upon a decision made in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 729, when that act is with a patient, or with a former patient when the relationship was terminated primarily for the purpose of engaging in that act. The revocation shall not be stayed by the administrative law judge or the board.

§4992.35. GROUNDS FOR REFUSAL TO LICENSE OR REGISTER; MENTAL ILLNESS OR CHEMICAL DEPENDENCY

The board may refuse to issue any registration or license whenever it appears that an applicant may be unable to practice his or her profession safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to any denial of a license or registration pursuant to this section.

§4992.36. DISCIPLINARY ACTION; GROUNDS FOR APPLICATION DENIAL OR LICENSE OR REGISTRATION SUSPENSION OR REVOCATION

The board may deny an application, or may suspend or revoke a license or registration issued under this chapter, for any of the following:

(a) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory of the United States, or by any other governmental agency, on a license, certificate, or registration to practice clinical social work or any other healing art shall constitute grounds for disciplinary action for unprofessional conduct. A certified copy of the disciplinary action decision or judgment shall be conclusive evidence of that action.

(b) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice clinical social work, marriage and family therapy, professional clinical counseling, or educational psychology against a licensee or registrant shall also constitute grounds for disciplinary action for unprofessional conduct under this chapter.

§4992.4. CONDUCT OF PROCEEDINGS

The proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

§4992.5. TIME AND PLACE OF EXAMINATIONS

Examinations may be held at those times and places as the board may determine. However, one examination shall be held during each calendar year.

The board may make arrangements with organizations furnishing examination materials as it may deem desirable.

§4992.7. FALSE STATEMENTS OR IMPERSONATION IN CONNECTION WITH APPLICATION OR EXAMINATION; MISDEMEANOR

Every person who willfully makes any false statement or who impersonates any other person or permits or aids any other person to impersonate him or her in connection with any application or examination is guilty of a misdemeanor.

§4992.8. LICENSEE OR REGISTRANT NAME CHANGE

A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

§4992.10. FICTITIOUS BUSINESS NAME

A licensed clinical social worker who conducts a private practice under a fictitious business name shall not use a name that is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

§4993. CLIENT RECORDS: RETENTION

(a) A licensed clinical social worker shall retain a client's or patient's health service records for a minimum of seven years from the date therapy is terminated. If the client or patient is a minor, the client's or patient's health service records shall be retained for a minimum of seven years from the date the client or patient reaches 18 years of age. Health service records may be retained in either a written or an electronic format.

(b) This section shall apply only to the records of a client or patient whose therapy is terminated on or after January 1, 2015.

ARTICLE 4. LICENSURE

§4996. NECESSITY OF LICENSE; UNAUTHORIZED REPRESENTATION AS LICENSEE; MISDEMEANOR

(a) Only individuals who have received a license under this article may style themselves as "Licensed Clinical Social Workers." Every individual who styles himself or herself or who holds himself or herself out to be a licensed clinical social worker, or who uses any words or symbols indicating or tending to indicate that he or she is a licensed clinical social worker, without holding his or her license in good standing under this article, is guilty of a misdemeanor.

(b) It is unlawful for any person to engage in the practice of clinical social work unless at the time of so doing such person holds a valid, unexpired, and unrevoked license under this article.

(c) A clinical social worker licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care practitioner subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.

§4996.1. ISSUANCE OF LICENSE

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

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

§4996.2. QUALIFICATIONS OF LICENSEES

Each applicant for a license shall furnish evidence satisfactory to the board that he or she complies with all of the following requirements:

(a) Is at least 21 years of age.

(b) Has received a master's degree from an accredited school of social work.

(c) Has had two years of supervised post-master's degree experience, as specified in Section 4996.23.

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

(e) Has completed adequate instruction and training in the subject of alcoholism and other chemical substance dependency. This requirement applies only to applicants who matriculate on or after January 1, 1986.

(f) Has completed instruction and training in spousal or partner abuse assessment, detection, and intervention. This requirement applies to an applicant who began graduate training during the period commencing on January 1, 1995, and ending on December 31, 2003. An applicant who began graduate training on or after January 1, 2004, shall complete a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

(g) Has completed a minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 1807 of Title 16 of the California Code of Regulations. This training or coursework may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

(h) Has completed a minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 1807.2 of Title 16 of the California Code of Regulations. This training or coursework may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

§4996.3. LICENSING AND EXAM FEES

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

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

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

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

(4) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be one hundred dollars (\$100). The fee for the California law and ethics examination shall be one hundred dollars (\$100).

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

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

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

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

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

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

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

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

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

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

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

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

§4996.4. FEE FOR REEXAMINATION

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

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

§4996.5. SCOPE, FORM AND CONTENT OF LICENSE

The board shall issue a license to each applicant meeting the requirements of this article, which license, so long as the renewal fees have been paid, licenses the holder to engage in the practice of clinical social work as defined in Section 4996.9, entitles the holder to use the title of licensed clinical social worker, and authorizes the holder to hold himself or herself out as qualified to perform any of the functions delineated by this chapter. The form and content of the license shall be determined by the director in accordance with Section 164.

§4996.6. DURATION OF LICENSE; RENEWAL; EXPIRED LICENSE

(a) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(b) To renew an unexpired license, the licensee shall, on or before the expiration date of the license, complete the following actions:

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

(2) Pay a two-year renewal fee prescribed by the board.

(3) Certify compliance with the continuing education requirements set forth in Section 4996.22.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

(c) To renew an expired license within three years of its expiration, the licensee shall, as a condition precedent to renewal, complete all of the actions described in subdivision (b) and pay a delinquency fee.

(d) A license that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter; however, the former licensee may apply for and obtain a new license if he or she satisfies all of the following requirements:

(1) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.

(2) He or she submits an application for examination eligibility.

(3) He or she takes and passes the current licensing examinations.

(4) He or she submits the fees for examination eligibility and for initial license issuance.

(5) He or she complies with the fingerprint requirements established by board regulation.

§4996.65 ADDITIONAL LICENSE RENEWAL FEE; MENTAL HEALTH PRACTITIONER EDUCATION FUND

In addition to the fees charged pursuant to Section 4996.6 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

§4996.7. DISPLAY OF LICENSE

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

§4996.8. DISPLAY OF CURRENT RENEWAL RECEIPT

The current renewal receipt shall be displayed near the license.

§4996.9. CLINICAL SOCIAL WORK AND PSYCHOTHERAPY DEFINED

The practice of clinical social work is defined as a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people to achieve more adequate, satisfying, and productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a nonmedical nature with individuals, families, or groups; providing information and referral services; providing or arranging for the provision of social services; explaining or interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, to provide, or to improve social or health services; doing research related to social work; and the use, application, and integration of the coursework and experience required by Sections 4996.2 and 4996.23.

Psychotherapy, within the meaning of this chapter, is the use of psychosocial methods within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, and to modify internal and external conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes.

§4996.10. APPLICATION OF ARTICLE ONLY TO CLINICAL SOCIAL WORKERS

The provisions of this article shall be construed only as provisions relating to the examination and licensing of clinical social workers.

§4996.11. SUSPENSION OR REVOCATION OF LICENSE; GROUNDS; CONDUCT OF PROCEEDINGS

The board may suspend or revoke the license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings for the suspension or revocation of licenses under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted in that chapter.

§4996.12. VIOLATIONS; PENALTIES

Any person who violates this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding a period of six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

§4996.13. OTHER PROFESSIONAL GROUPS; WORK OF PSYCHOSOCIAL NATURE; IMPERMISSIBLE REPRESENTATIONS

Nothing in this article shall prevent qualified members of other professional groups from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, they shall not hold themselves out to the public by any title or description of services incorporating the words psychosocial, or clinical social worker, or that they shall not state or imply that they are licensed to practice clinical social work. These qualified members of other professional groups include, but are not limited to, the following:

- (a) A physician and surgeon certified pursuant to Chapter 5 (commencing with Section 2000).
- (b) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).
- (c) Members of the State Bar of California.
- (d) Marriage and family therapists licensed pursuant to Chapter 13 (commencing with Section 4980).
- (e) Licensed professional clinical counselors pursuant to Chapter 16 (commencing with Section 4999.10).
- (f) A priest, rabbi, or minister of the gospel of any religious denomination.

§4996.14. EMPLOYEES OF CERTAIN ORGANIZATIONS; ACTIVITIES OF PSYCHOSOCIAL NATURE

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

- (1) A governmental entity.
- (2) A school, college, or university.
- (3) An institution that is both nonprofit and charitable.

(b) This chapter shall not apply to a volunteer who is working in any of the settings described in subdivision (a) if his or her work is performed solely under the supervision of the entity, school, college, university, or institution.

(c) This chapter shall not apply to a person using hypnotic techniques by referral from any of the following persons if his or her practice is performed solely under the supervision of the employer:

- (1) A person licensed to practice medicine.
- (2) A person licensed to practice dentistry.
- (3) A person licensed to practice psychology.

(d) This chapter shall not apply to a person using hypnotic techniques that offer vocational self-improvement, and the person is not performing therapy for emotional or mental disorders.

§4996.15. PERFORMANCE OF PSYCHOSOCIAL WORK BY PERSONS IN ACADEMIC INSTITUTIONS, GOVERNMENT AGENCIES OR NONPROFIT ORGANIZATIONS; SOCIAL WORK INTERN

Nothing in this article shall restrict or prevent activities of a psychosocial nature on the part of persons employed by accredited academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or social work interns pursuing the course of study leading to a master's degree in social work in an accredited college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by such titles as social work interns, social work trainees, or other titles clearly indicating the training status appropriate to their level of training. The term "social work intern," however, shall be reserved for persons enrolled in a master's or doctoral training program in social work in an accredited school or department of social work.

§4996.16. PERSONS FROM OUT OF STATE; CLINICAL SOCIAL WORK SERVICES IN THIS STATE

Nothing in this chapter shall apply to any clinical social worker from outside this state, when in actual consultation with a licensed practitioner of this state, or when an invited guest of a professional association, or of an educational institution for the sole purpose of engaging in professional education through lectures, clinics, or demonstrations, if he or she is at the time of the consultation, lecture, or demonstration licensed to practice clinical social work in the state or country in which he or she resides. These clinical social workers shall not open an office or appoint a place to meet clients or receive calls from clients within the limits of this state.

§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 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 to take the clinical 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.

§4996.19. LICENSED CLINICAL SOCIAL WORKERS' CORPORATION; APPLICATION OF ARTICLE

Nothing in this article shall prohibit the acts or practices of a licensed clinical social workers' corporation duly certificated pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code and Article 5 (commencing with Section 4998), when the corporation is in compliance with (a) the Moscone-Knox Professional Corporation Act; (b) Article 5 (commencing with Section 4998); and (c) all other statutes and all rules and regulations now or hereafter

enacted or adopted pertaining to the corporation and the conduct of its affairs.

§4996.22. CONTINUING EDUCATION EFFECTIVE JANUARY 1, 2004

(a) (1) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.

(2) The board shall not renew any license of an applicant who began graduate study prior to January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, he or she completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) An accredited school of social work, as defined in Section 4991.2, or 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. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, as specified by the board by regulation.

(e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to the procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding, or the practice, of social work.

(2) Aspects of the social work discipline in which significant recent developments have occurred.

(3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.

(g) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

(i) The board may adopt regulations as necessary to implement this section.

(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

§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) Associates shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(k) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(l) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

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

(n) An associate shall not do the following:

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

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations

of his or her employer.

(o) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(p) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

§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.

§4996.25 ADDITIONAL COURSEWORK

(a) Any applicant for licensure as a licensed clinical social worker who began graduate study on or after January 1, 2004, shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which could include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

§4996.26. ADDITIONAL CONTINUING EDUCATION REQUIREMENTS; AGING AND LONG-TERM

CARE; ELDER AND DEPENDENT ADULT ABUSE AND NEGLECT

- (a) A licensee who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care during his or her first renewal period after the operative date of this section, and shall submit to the board evidence acceptable to the board of the person's satisfactory completion of the course.
- (b) The course shall include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.
- (c) Any person seeking to meet the requirements of subdivision (a) of this section may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this section, or proof of equivalent teaching or practice experience. The board, in its discretion, may accept that certification as meeting the requirements of this section.
- (d) The board may not renew an applicant's license until the applicant has met the requirements of this section.
- (e) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required in Section 4996.22.
- (f) This section shall become operative on January 1, 2005.

§4996.28. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION EXPIRATION; RENEWAL

- (a) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. To renew a registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:
 - (1) Apply for renewal on a form prescribed by the board.
 - (2) Pay a renewal fee prescribed by the board.
 - (3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken by a regulatory or licensing board in this or any other state, subsequent to the last renewal of the registration.
 - (4) On and after January 1, 2016, obtain a passing score on the California law and ethics examination pursuant to Section 4992.09.
- (b) A registration as an associate clinical social worker may be renewed a maximum of five times. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate clinical social worker registration number if the applicant meets all requirements for registration in effect at the time of his or her application for a subsequent associate clinical social worker registration number. An applicant issued a subsequent associate registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

§4997. INACTIVE LICENSE

- (a) A licensee may apply to the board to request that his or her license be placed on inactive status.
- (b) A licensee on inactive status shall be subject to this chapter and shall not engage in the practice of clinical

social work in this state.

(c) A licensee who holds an inactive license shall pay a biennial fee in the amount of one-half of the standard renewal fee and shall be exempt from continuing education requirements.

(d) A licensee on inactive status who has not committed an act or crime constituting grounds for denial of licensure may, upon request, restore his or her license to practice clinical social work to active status.

(1) A licensee requesting his or her license be restored to active status between renewal cycles shall pay the remaining one-half of his or her renewal fee.

(2) A licensee requesting to restore his or her license to active status whose license will expire less than one year from the date of the request shall complete 18 hours of continuing education as specified in Section 4996.22.

(3) A licensee requesting to restore his or her license to active status whose license will expire more than one year from the date of the request shall complete 36 hours of continuing education as specified in Section 4996.22.

§4997.1. ISSUANCE OF A RETIRED LICENSE – LICENSED CLINICAL SOCIAL WORKER

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a licensed clinical social worker who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active clinical social worker license is required.

(c) The holder of a retired license shall not be required to renew that license.

(d) The holder of a retired license may apply to restore to active status his or her license to practice clinical social work if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:

(1) Has not committed an act or crime constituting grounds for denial of licensure.

(2) Pays the required renewal fee.

(3) Completes the required continuing education as specified in Section 4996.22.

(4) Complies with the fingerprint submission requirements established by the board in regulation.

(e) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section less than one year from the date of the application, shall complete 18 hours of continuing education as specified in Section 4996.22.

(f) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section one or more years from the date of application, shall complete 36 hours of continuing education as specified in Section 4996.22.

(g) The holder of a retired license may apply to restore to active status his or her license to practice clinical social work if that retired license was issued three or more years prior to the application date, and the applicant meets all of the following requirements:

- (1) Has not committed an act or crime constituting grounds for denial of licensure.
- (2) Applies for licensure and pays the required fees.
- (3) Passes the examinations required for licensure.
- (4) Complies with the fingerprint submission requirements established by the board in regulation.

ARTICLE 5. CLINICAL SOCIAL WORKERS CORPORATIONS

§4998. DEFINITION; RIGHT TO PRACTICE CLINICAL SOCIAL WORK; BOARD AS GOVERNMENTAL AGENCY

A licensed clinical social worker corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are licensed clinical social workers, physicians and surgeons, psychologists, licensed professional clinical counselors, licensed marriage and family therapists, registered nurses, chiropractors, or acupuncturists are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and all other statutes and regulations now or hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs. With respect to a licensed clinical social worker corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Sciences.

§4998.1. UNPROFESSIONAL CONDUCT

It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act ((Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or any regulations duly adopted under those laws.

§4998.2. NAME

Notwithstanding Section 4996, the name of a licensed clinical social worker corporation and any name or names under which it may be rendering professional services shall contain the words "licensed clinical social worker" and wording or abbreviations denoting corporate existence.

A licensed clinical social worker corporation that conducts business under a fictitious business name shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, that the business is conducted by a licensed clinical social worker corporation.

§4998.3. DIRECTORS, SHAREHOLDERS AND OFFICERS; LICENSE

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a licensed clinical social worker corporation shall be a licensed person as defined in the Moscone-Knox

§4998.4. INCOME ATTRIBUTABLE TO SHAREHOLDER WHO IS DISQUALIFIED PERSON

The income of a licensed clinical social worker corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in the Moscone-Knox Professional Corporation Act (Part 4(commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), shall not in any manner accrue to the benefit of that shareholder or his or her shares in the licensed clinical social workers corporation.

§4998.5. CORPORATE UNPROFESSIONAL CONDUCT

A licensed clinical social worker corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule, or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by those statutes, rules, and regulations to the same extent as a person holding a license as a licensed clinical social worker.

CHAPTER 16 LICENSED PROFESSIONAL CLINICAL COUNSELORS

ARTICLE 1. ADMINISTRATION

§4999.10. LICENSED PROFESSIONAL CLINICAL COUNSELOR

This chapter constitutes, and may be cited as, the Licensed Professional Clinical Counselor Act.

§4999.11. LEGISLATIVE INTENT

In enacting this chapter, the Legislature recognizes that licensed professional clinical counselors practice a separate and distinct profession from the professions practiced by licensed marriage and family therapists and licensed clinical social workers. As such, the Legislature recognizes the need to appropriately test licensed marriage and family therapists and licensed clinical social workers seeking to become licensed professional clinical counselors on the difference in practice between the professions.

§4999.12. 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 a regional or national institutional accrediting agency that is recognized by the United States Department of Education.
- (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.

§4999.12.5. REGISTRANT TITLE NAME CHANGE; EFFECTIVE JANUARY 1, 2018

(a) The title “professional clinical counselor intern” or “professional clinical counselor registered intern” is hereby renamed “associate professional clinical counselor” or “registered associate professional clinical counselor,” respectively. Any reference in any statute or regulation to a “professional clinical counselor intern” or “professional clinical counselor registered intern” shall be deemed a reference to an “associate professional clinical counselor” or “registered associate professional clinical counselor.”

(b) Nothing in this section shall be construed to expand or constrict the scope of practice of a person licensed or registered pursuant to this chapter.

(c) This section shall become operative January 1, 2018.

§4999.13. ENGAGING IN PRACTICE

A person engages in the practice of professional clinical counseling when he or she performs or offers to

perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.

§4999.14. DISSEMINATION OF INFORMATION; DUTIES OF THE BOARD

The board shall do all of the following:

(a) Communicate information about its activities, the requirements and qualifications for licensure, and the practice of professional clinical counseling to the relevant educational institutions, supervisors, professional associations, applicants, clinical counselor trainees, interns, and the public.

(b) Develop policies and procedures to assist educational institutions in meeting the educational qualifications of Sections 4999.32 and 4999.33.

ARTICLE 2. SCOPE OF PRACTICE

§4999.20. SCOPE OF PRACTICE; TREATMENT OF COUPLES OR FAMILIES

(a) (1) "Professional clinical counseling" means the application of counseling interventions and psychotherapeutic techniques to identify and remediate cognitive, mental, and emotional issues, including personal growth, adjustment to disability, crisis intervention, and psychosocial and environmental problems, and the use, application, and integration of the coursework and training required by Sections 4999.32 and 4999.33. "Professional clinical counseling" includes conducting assessments for the purpose of establishing counseling goals and objectives to empower individuals to deal adequately with life situations, reduce stress, experience growth, change behavior, and make well-informed, rational decisions.

(2) "Professional clinical counseling" is focused exclusively on the application of counseling interventions and psychotherapeutic techniques for the purposes of improving mental health, and is not intended to capture other, nonclinical forms of counseling for the purposes of licensure. For purposes of this paragraph, "nonclinical" means nonmental health.

(3) "Professional clinical counseling" does not include the assessment or treatment of couples or families unless the professional clinical counselor has completed all of the following training and education:

(A) One of the following:

(i) Six semester units or nine quarter units specifically focused on the theory and application of marriage and family therapy.

(ii) A named specialization or emphasis area on the qualifying degree in marriage and family therapy; marital and family therapy; marriage, family, and child counseling; or couple and family therapy.

(B) No less than 500 hours of documented supervised experience working directly with couples, families, or children.

(C) A minimum of six hours of continuing education specific to marriage and family therapy, completed in each license renewal cycle.

(4) "Professional clinical counseling" does not include the provision of clinical social work services.

(b) "Counseling interventions and psychotherapeutic techniques" means the application of cognitive, affective, verbal or nonverbal, systemic or holistic counseling strategies that include principles of development, wellness, and maladjustment that reflect a pluralistic society. These interventions and techniques are specifically implemented in the context of a professional clinical counseling relationship and use a variety of counseling theories and approaches.

(c) "Assessment" means selecting, administering, scoring, and interpreting tests, instruments, and other tools and methods designed to measure an individual's attitudes, abilities, aptitudes, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral concerns and development and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or ameliorating changing life situations, as part of the counseling process. "Assessment" shall not include the use of projective techniques in the assessment of personality, individually administered intelligence tests, neuropsychological testing, or utilization of a battery of three or more tests to determine the presence of psychosis, dementia, amnesia, cognitive impairment, or criminal behavior.

(d) Professional clinical counselors shall refer clients to other licensed health care professionals when they identify issues beyond their own scope of education, training, and experience.

§4999.22. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES

(a) Nothing in this chapter shall prevent qualified persons from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, these qualified persons shall not hold themselves out to the public by any title or description of services incorporating the words "licensed professional clinical counselor" and shall not state that they are licensed to practice professional clinical counseling, unless they are otherwise licensed to provide professional clinical counseling services.

(b) Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Licensed Marriage and Family Therapist Act.

(c) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination who performs counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in this state, or who is licensed to practice medicine, who provides counseling services as part of his or her professional practice.

(d) This chapter shall not apply to an employee of a governmental entity or a school, college, or university, or of an institution both nonprofit and charitable, if his or her practice is performed solely under the supervision of the entity, school, college, university, or institution by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed.

(e) All persons registered as interns or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

§4999.24. TRAINEE SERVICES

Nothing in this chapter shall restrict or prevent activities of a psychotherapeutic or counseling nature on the

part of persons employed by accredited or state-approved academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or clinical counselor trainees pursuing a course of study leading to a degree that qualifies for professional clinical counselor licensure at an accredited or state-approved college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as “clinical counselor trainee” or other title clearly indicating the training status appropriate to the level of training.

ARTICLE 3. LICENSURE

§4999.30. NECESSITY OF LICENSE

Except as otherwise provided in this chapter, a person shall not practice or advertise the performance of professional clinical counseling services without a license issued by the board, and shall pay the license fee required by this chapter.

§4999.32. QUALIFICATIONS FOR REGISTRATION AND EXAMINATION ELIGIBILITY; GRADUATE COURSEWORK BEGINNING BEFORE AUGUST 1, 2012 AND COMPLETED BEFORE DECEMBER 31, 2018

(a) This section shall apply to applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and complete that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.

(b) To qualify for examination eligibility or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is “counseling or psychotherapy in content” if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 48 graduate semester or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

- (D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.
- (E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.
- (F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.
- (G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.
- (H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.
- (I) Professional orientation, ethics, and law in counseling, including professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.
- (2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.
- (3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:
- (A) Applied psychotherapeutic techniques.
 - (B) Assessment.
 - (C) Diagnosis.
 - (D) Prognosis.
 - (E) Treatment.
 - (F) Issues of development, adjustment, and maladjustment.
 - (G) Health and wellness promotion.
 - (H) Other recognized counseling interventions.

(l) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) (1) (A) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (l), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(B) Notwithstanding subparagraph (A), no applicant shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (l), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

(e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an intern:

(1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.

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

(3) A two semester unit or three quarter unit survey course in psychopharmacology.

(4) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.

(5) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations adopted thereunder.

(6) A minimum of 18 contact hours of instruction in California law and professional ethics for professional clinical counselors that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, and state and federal laws related to confidentiality of patient health information. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester unit or 72 quarter unit requirement in subdivision (c).

(7) A minimum of 10 contact hours of instruction in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(8) A minimum of 15 contact hours of instruction in crisis or trauma counseling, including multidisciplinary responses to crises, emergencies, or disasters, and brief, intermediate, and long-term approaches.

(f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.

**§4999.33. QUALIFICATIONS FOR REGISTRATION AND EXAMINATION ELIGIBILITY;
GRADUATE COURSEWORK BEGINNING AFTER AUGUST 1, 2012 OR COMPLETED AFTER
DECEMBER 31, 2018**

(a) This section shall apply to the following:

(1) Applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for examination eligibility or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for examination eligibility or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (f), the coursework in the core content areas listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 60 graduate semester or 90 graduate quarter units of instruction, which shall, except as provided in subdivision (f), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in all of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, group developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.

(H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.

(I) Professional orientation, ethics, and law in counseling, including California law and professional ethics for professional clinical counselors, professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(J) Psychopharmacology, including the biological bases of behavior, basic classifications, indications, and contraindications of commonly prescribed psychopharmacological medications so that appropriate referrals can be made for medication evaluations and so that the side effects of those medications can be identified.

(K) Addictions counseling, including substance abuse, co-occurring disorders, and addiction, major approaches to identification, evaluation, treatment, and prevention of substance abuse and addiction, legal and medical aspects of substance abuse, populations at risk, the role of support persons, support systems, and community resources.

(L) Crisis or trauma counseling, including crisis theory; multidisciplinary responses to crises, emergencies, or disasters; cognitive, affective, behavioral, and neurological effects associated with trauma; brief, intermediate, and long-term approaches; and assessment strategies for clients in crisis and principles of intervention for individuals with mental or emotional disorders during times of crisis, emergency, or disaster.

(M) Advanced counseling and psychotherapeutic theories and techniques, including the application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(2) In addition to the course requirements described in paragraph (1), 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Professional writing including documentation of services, treatment plans, and progress notes.

(I) How to find and use resources.

(J) Other recognized counseling interventions.

(K) A minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

(1) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.

(2) The understanding of human behavior within the social context of a representative variety of the cultures found within California.

(3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.

(4) An understanding of the effects of socioeconomic status on treatment and available resources.

(5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.

(6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(7) Human sexuality, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(8) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics.

(9) 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.

(10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

(1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.

(2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.

(3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(f) (1) (A) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by

successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(B) Notwithstanding subparagraph (A), no applicant shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

§4999.34. 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.

§4999.40. DEGREE GRANTING PROGRAMS; NOTIFICATION OF QUALIFICATION TO STUDENTS; EQUIVALENT EDUCATION AND TRAINING GAINED OUTSIDE THE UNITED STATES

(a) Each educational institution preparing applicants to qualify for licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Section 4999.32 or 4999.33 and shall certify to the board that it has so notified its students.

(b) An applicant for registration or licensure shall submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and any associated coursework completed by the applicant does one of the following:

(1) Meets all of the requirements set forth in Section 4999.32.

(2) Meets all of the requirements set forth in Section 4999.33.

(c) An applicant trained at an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from an institution of higher education that is accredited or approved. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services and shall provide any other documentation the board deems necessary.

§4999.42. INTERN REGISTRATION; QUALIFICATION

(a) To qualify for registration as an intern, an applicant shall have all of the following qualifications:

(1) The applicant shall have earned a master's or doctoral degree as specified in Section 4999.32 or 4999.33, as applicable. An applicant whose education qualifies him or her under Section 4999.32 shall also have completed the coursework or training specified in subdivision (e) of Section 4999.32.

(2) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(3) The board shall not issue a registration to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(b) The board shall begin accepting applications for intern registration on January 1, 2011.

§4999.44. 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

(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 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.

§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. Associates and trainees shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

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

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

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

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

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

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

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

(g) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and clinical counselor trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is

desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

§4999.48. RULES AND REGULATIONS

The board shall adopt regulations regarding the supervision of interns which may include, but not be limited to, the following:

- (a) Supervisor qualifications.
- (b) Continuing education requirements of supervisors.
- (c) Registration or licensing of supervisors, or both.
- (d) General responsibilities of supervisors.
- (e) The board's authority in cases of noncompliance or gross or repeated negligence by supervisors.

§4999.50. ISSUANCE OF LICENSE; REQUIREMENTS

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

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

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

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

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

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

§4999.51. CRIMINAL OFFENDER RECORD INFORMATION; REQUIREMENTS FOR LICENSURE AND REGISTRATION

To qualify for licensure as a professional clinical counselor or registration as an intern, applicants shall meet the board's regulatory requirements for professional clinical counselor licensure or intern registration, as applicable, including the following:

(a) The applicant has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

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

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

(1) The board shall direct applicants to electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state and federal level convictions and arrests and information as to the existence and content of a record of state or federal level arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

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

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

(4) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to paragraph (1).

(5) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.

§4999.52. EXAMINATION; BOARD DETERMINATION; EXAMINATION ADMISSION DENIAL

(a) Every applicant for a license as a professional clinical counselor shall be examined by the board. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

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

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

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

(e) If an applicant for the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, who has passed the California law and ethics examination, is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take this examination, but may notify the applicant that licensure will not be granted pending completion of the investigation.

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

(g) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

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

(i) On and after January 1, 2016, the examination specified by paragraph (2) of subdivision (a) of Section 4999.53 shall be passed within seven years of an applicant's initial attempt.

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

(k) No applicant shall be eligible to participate in the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, if he or she fails to obtain a passing score on this examination within seven years from his or her initial attempt. If the applicant fails to obtain a passing score within seven years of initial attempt, he or she shall obtain a passing score on the current version of the California law and ethics examination in order to be eligible to retake this examination.

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

§4999.53. REQUIRED EXAMINATIONS

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

(1) A California law and ethics examination.

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

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

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

(1) Completion of all required supervised work experience.

(2) Completion of all education requirements.

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

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

§4999.55. CALIFORNIA LAW AND ETHICS EXAMINATION

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

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

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

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

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

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

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

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

§4999.60. OUT-OF-STATE LICENSEE; EXAMINATION ELIGIBILITY

(a) This section applies to persons who are licensed outside of California and apply for examination eligibility on or after January 1, 2016.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States, if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4999.63.

(2) The applicant complies with subdivision (c) of Section 4999.40, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a professional clinical counselor shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4999.63 without exemptions or remediation.

(4) The applicant passes the examinations required to obtain a license under this chapter. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board

without taking the clinical examination if both of the following conditions are met:

- (A) The applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board.
- (B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

§4999.61. EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA; NON-LICENSE HOLDER

- (a) This section applies to persons who apply for examination eligibility or registration on or after January 1, 2016, and who do not hold a license as described in Section 4999.60.
- (b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4999.62, and the applicant complies with subdivision (c) of Section 4999.40, if applicable.
- (c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter.

§4999.62. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; NON-LICENSE HOLDER

- (a) This section applies to persons who apply for examination eligibility or registration on or after January 1, 2016, and who do not hold a license as described in Section 4999.60.
- (b) For purposes of Section 4999.61, education is substantially equivalent if all of the following requirements are met:
 - (1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, the following:
 - (A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester or 90 graduate quarter units of instruction.
 - (ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an intern.
 - (B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.
 - (C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.
 - (D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.
 - (i) (I) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

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

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

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

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

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

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

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

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

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

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

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

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

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

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance

understanding of their experiences of mental illness, treatment, and recovery.

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

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

§4999.63. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; LICENSE HOLDER

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

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

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

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

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

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

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

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

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

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

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

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

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in

California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an intern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§4999.64. REEXAMINATION

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

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

ARTICLE 4. PRACTICE REQUIREMENTS

§4999.70. DISPLAY OF LICENSE

A licensee shall display his or her license in a conspicuous place in his or her primary place of practice.

§4999.72. FICTITIOUS BUSINESS NAME

Any licensed professional clinical counselor who conducts a private practice under a fictitious business name shall not use any name that is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

§4999.74. COUNSELING RELATIONSHIP AND PROCESS; DISCLOSURE REQUIREMENT

Licensed professional clinical counselors shall provide to each client accurate information about the counseling relationship and the counseling process.

§4999.75. CLIENT RECORDS: RETENTION

(a) A licensed professional clinical counselor shall retain a client's or patient's health service records for a minimum of seven years from the date therapy is terminated. If the client or patient is a minor, the client's or patient's health service records shall be retained for a minimum of seven years from the date the client or patient reaches 18 years of age. Health service records may be retained in either a written or an electronic format.

(b) This section shall apply only to the records of a client or patient whose therapy is terminated on or after January 1, 2015.

§4999.76. LICENSE RENEWAL; CONTINUING EDUCATION REQUIREMENT

(a) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause, as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) A school, college, or university that is accredited or approved, as defined in Section 4999.12. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers as specified by the board by regulation.

(e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.

(2) Significant recent developments in the discipline of professional clinical counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

(g) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

(i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

ARTICLE 5. ENFORCEMENT

§4999.80. ENFORCEMENT OF LAWS; BOARD DUTIES

In order to carry out the provisions of this chapter, the board shall do all of the following:

- (a) Enforce laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.
- (b) Investigate complaints concerning the conduct of any licensed professional clinical counselor.
- (c) Revoke, suspend, or fail to renew a license that it has authority to issue for just cause, as enumerated in rules and regulations of the board. The board may deny, suspend, or revoke any license granted under this chapter pursuant to Section 480, 481, 484, 496, 498, or 499.

§4999.82. ENGAGING IN THE PRACTICE; UNLAWFUL ACTS; LICENSURE REQUIREMENT

It shall be unlawful for any person to engage in any of the following acts:

- (a) Engage in the practice of professional clinical counseling, as defined in Section 4999.20, without first having complied with the provisions of this chapter and without holding a valid license as required by this chapter.
- (b) Represent himself or herself by the title "licensed professional clinical counselor," "LPCC," "licensed clinical counselor," or "professional clinical counselor" without being duly licensed according to the provisions of this chapter.
- (c) Make any use of any title, words, letters, or abbreviations, that may reasonably be confused with a designation provided by this chapter to denote a standard of professional or occupational competence without being duly licensed.
- (d) Materially refuse to furnish the board information or records required or requested pursuant to this chapter.

§4999.84. PRIVILEGED COMMUNICATION

It is the intent of the Legislature that any communication made by a person to a licensed professional clinical counselor in the course of professional services shall be deemed a privileged communication.

§4999.86. VIOLATIONS OF CHAPTER PROVISIONS; MISDEMEANOR

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that fine and imprisonment.

§4999.88. ISSUANCE OF AN INJUNCTION TO RESTRAIN CONDUCT

In addition to other proceedings provided in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices that constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining that conduct on application of the board, the Attorney General, or the district attorney of the county. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

§4999.90. 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) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.
- (t) Permitting a clinical counselor trainee or intern under one's supervision or control to perform, or permitting the clinical counselor trainee or intern to hold himself or herself out as competent to perform, professional services beyond the clinical counselor trainee's or intern's level of education, training, or experience.
- (u) The violation of any statute or regulation of the standards of the profession, and the nature of the services being rendered, governing the gaining and supervision of experience required by this chapter.

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

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

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

(y) Repeated acts of negligence.

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

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

(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.

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

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

§4999.91. DENIAL OF APPLICATION OR SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION; GROUNDS

The board may deny any application, or may suspend or revoke any license or registration issued under this chapter, for any of the following:

(a) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by this state or another state or territory of the United States, or by any other governmental agency, on a license, certificate, or registration to practice professional clinical counseling or any other healing art shall constitute grounds for disciplinary action for unprofessional conduct. A certified copy of the disciplinary action decision or judgment shall be conclusive evidence of that action.

(b) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice clinical social work, professional clinical counseling, marriage and family therapy, or educational psychology shall also constitute grounds for disciplinary action for unprofessional conduct under this chapter.

ARTICLE 6. REVENUE

§4999.100. EXPIRATION OF INTERN REGISTRATION; RENEWAL OF UNEXPIRED REGISTRATION

(a) An intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant on or before the expiration date of the registration, shall do the following:

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

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

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

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

(c) The intern registration may be renewed a maximum of five times. Registration shall not be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent 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 who is issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

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

§4999.102. EXPIRATION OF LICENSURE; RENEWAL OF UNEXPIRED LICENSE

(a) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(b) To renew an unexpired license described in subdivision (a), the licensee, on or before the expiration date of the license, shall do all of the following:

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

(2) Pay a two-year renewal fee prescribed by the board.

(3) Certify compliance with the continuing education requirements set forth in Section 4999.76.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

§4999.104. RENEWAL OF EXPIRED LICENSE; TIME LIMIT; REQUIREMENTS

Licenses issued under this chapter that have expired may be renewed at any time within three years of expiration. To renew an expired license described in this section, the licensee shall do all of the following:

- (a) File an application for renewal on a form prescribed by the board.
- (b) Pay all fees that would have been paid if the license had not become delinquent.
- (c) Pay all delinquency fees.
- (d) Certify compliance with the continuing education requirements set forth in Section 4999.76.
- (e) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

§4999.106. EXPIRED LICENSE; APPLICATION FOR NEW LICENSE

A license that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued, except that a former licensee may apply for and obtain a new license if he or she complies with all of the following:

- (a) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.
- (b) He or she takes and passes the current examinations required for licensing.
- (c) He or she submits an application for initial licensure.
- (d) He or she meets the requirements pursuant to Section 4999.51.

§4999.108. SUSPENDED LICENSE; RENEWAL

A suspended license is subject to expiration and shall be renewed as provided in this article, but that renewal does not entitle the licensee, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

§4999.110. REVOKED LICENSE; EXPIRATION

A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

§4999.112. INACTIVE LICENSE STATUS

(a) A licensed professional clinical counselor may apply to the board to request that his or her license be placed on inactive status. A licensee who holds an inactive license shall do all of the following:

- (1) Pay a biennial fee of one-half of the active renewal fee.
- (2) Be exempt from continuing education requirements.
- (3) Not engage in the practice of professional clinical counseling in this state.
- (4) Otherwise be subject to this chapter.

(b) A licensee on inactive status may have his or her license reactivated by complying with all of the following:

- (1) Submitting a request to the board.
- (2) Certifying that he or she has not committed any acts or crimes constituting grounds for denial of licensure.
- (3) Paying the remaining one-half of the renewal fee.
- (4) Completing the following continuing education requirements:
 - (A) Eighteen hours of continuing education is required within the two years preceding the date of the request for reactivation if the license will expire less than one year from the date of the request for reactivation.
 - (B) Thirty-six hours of continuing education is required within the two years preceding the date of the request for reactivation if the license will expire more than one year from the date of the request for reactivation.

§4999.113. ISSUANCE OF A RETIRED LICENSE – LICENSED PROFESSIONAL CLINICAL COUNSELOR

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a professional clinical counselor who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active professional clinical counselor license is required.

(c) The holder of a retired license shall not be required to renew that license.

(d) The holder of a retired license may apply to restore to active status his or her license to practice professional clinical counseling if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements:

- (1) Has not committed an act or crime constituting grounds for denial of licensure.
- (2) Pays the required renewal fee.
- (3) Completes the required continuing education as specified in Section 4999.76.

(4) Complies with the fingerprint submission requirements established by the board in regulation.

(e) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section less than one year from the date of the application, shall complete 18 hours of continuing education as specified in Section 4999.76.

(f) An applicant requesting to restore his or her license pursuant to subdivision (d), whose license was issued in accordance with this section one or more years from the date of application, shall complete 36 hours of continuing education as specified in Section 4999.76.

(g) The holder of a retired license may apply to restore to active status his or her license to practice professional clinical counseling if that retired license was issued three or more years prior to the application date, and the applicant meets all of the following requirements:

(1) Has not committed an act or crime constituting grounds for denial of licensure.

(2) Applies for licensure and pays the required fees.

(3) Passes the examinations required for licensure.

(4) Complies with the fingerprint submission requirements established by the board in regulation.

§4999.114. REVENUE; BOARD REPORT TO CONTROLLER

The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time deposit the entire amount thereof in the State Treasury for credit to the Behavioral Sciences Fund.

§4999.116. BOARD OF BEHAVIORAL SCIENCES FUND; APPROPRIATIONS; SURPLUSES

(a) The moneys credited to the Behavioral Sciences Fund under Section 4999.114 shall, upon appropriation by the Legislature, be used for the purposes of carrying out and enforcing the provisions of this chapter.

(b) The board shall keep records that will reasonably ensure that funds expended in the administration of each licensing or registration category bear a reasonable relation to the revenue derived from each category, and shall so notify the department no later than May 31 of each year.

(c) Surpluses, if any, may be used in a way so as to bear a reasonable relation to the revenue derived from each category, and may include, but not be limited to, expenditures for education and research related to each of the licensing or registration categories.

§4999.118. LICENSEE OR REGISTRANT NAME CHANGE; BOARD NOTIFICATION

A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

§4999.120. FEES

The board shall assess fees for the application for and the issuance and renewal of licenses and for the

registration of interns to cover administrative and operating expenses of the board related to this chapter. Fees assessed pursuant to this section shall not exceed the following:

- (a) The fee for the application for examination eligibility shall be up to two hundred fifty dollars (\$250).
- (b) The fee for the application for intern registration shall be up to one hundred fifty dollars (\$150).
- (c) The fee for the application for licensure shall be up to one hundred eighty dollars (\$180).
- (d) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be up to two hundred fifty dollars (\$250).
- (e) The fee for the law and ethics examination shall be up to one hundred fifty dollars (\$150).
- (f) The fee for the issuance of a license shall be up to two hundred fifty dollars (\$250).
- (g) The fee for annual renewal of an intern registration shall be up to one hundred fifty dollars (\$150).
- (h) The fee for two-year renewal of licenses shall be up to two hundred fifty dollars (\$250).
- (i) The fee for issuance of a retired license shall be forty dollars (\$40).
- (j) The fee for rescoring an examination shall be twenty dollars (\$20).
- (k) The fee for issuance of a replacement license or registration shall be twenty dollars (\$20).
- (l) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

§4999.122. PROFESSIONAL CLINICAL COUNSELING PROGRAM; STARTUP FUNDS

The professional clinical counselor licensing program shall be supported from fees assessed to applicants, interns, and licensees. Startup funds to implement this program shall be derived, as a loan, from the reserve fund of the Board of Behavioral Sciences, subject to an appropriation by the Legislature in the annual Budget Act. The board shall not implement this chapter until funds have been appropriated.

ARTICLE 7. PROFESSIONAL CLINICAL COUNSELOR CORPORATIONS

§4999.123. DEFINITIONS

A professional clinical counselor corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees who are rendering professional services and who are licensed professional clinical counselors, licensed marriage and family therapists, physicians and surgeons, psychologists, licensed clinical social workers, registered nurses, chiropractors, or acupuncturists, are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and any other statute or regulation pertaining to that corporation and the conduct of its affairs. With respect to a professional clinical counselor corporation, the term “governmental agency” in the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code) shall be construed to mean the Board of Behavioral Sciences.

§4999.124. UNPROFESSIONAL CONDUCT

It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in, or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or any regulation adopted under those laws.

§4999.125. NAME

The name of a professional clinical counselor corporation and any name or names under which it may be rendering professional services shall contain the words “licensed professional clinical counselor” or “professional clinical counselor” and wording or abbreviations denoting a corporate existence. A professional clinical counselor corporation that conducts business under a fictitious business name shall not use any name that is false, misleading, or deceptive, and shall inform each patient, prior to commencement of treatment, that the business is conducted by a professional clinical counselor corporation.

§4999.126. DIRECTORS, SHAREHOLDERS, AND OFFICERS; NECESSITY OF LICENSE

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a professional clinical counselor corporation shall be a licensed person, as defined in Section 13401 of the Corporations Code.

§4999.127. INCOME FOR PROFESSIONAL SERVICES NOT TO ACCRUE TO DISQUALIFIED SHAREHOLDERS

The income of a professional clinical counselor corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of that shareholder or his or her shares in the professional clinical counselor corporation.

§4999.128. CORPORATE UNPROFESSIONAL CONDUCT

A professional clinical counselor corporation shall not perform or fail to perform any act the performance of which, or for which the failure to perform, would constitute unprofessional conduct under any statute, rule, or regulation. In the conduct of its practice, a professional clinical counselor corporation shall observe and be bound by any statute, rule, or regulation that applies to a licensed professional clinical counselor.

§4999.129. RULES AND REGULATIONS

The board may formulate and enforce any rule or regulation to carry out the purposes and objectives of this article, including as follows:

(a) Any rule or regulation that requires that the articles of incorporation or bylaws of a professional clinical counselor corporation shall include a provision that requires the capital stock of the corporation owned by a disqualified person, as defined in Section 13401 of the Corporations Code, or a deceased person to be sold to the corporation or to the remaining shareholders of the corporation within the timeframe that the rule or regulation requires.

(b) Any rule or regulation that requires that a professional clinical counselor corporation shall provide adequate

security by insurance or otherwise for claims against the corporation by its patients arising out of the rendering of professional services.

CALIFORNIA CODE OF REGULATIONS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

Division 18. Board of Behavioral Sciences

(Originally Printed 12-5-46)

ARTICLE 1. GENERAL PROVISIONS

§1800. DECLARATORY DECISIONS

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

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

§1802. DEFINITIONS

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

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Section 4990, Business and Professions Code.

§1803. DELEGATION OF CERTAIN FUNCTIONS

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

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 820, 4980.07, 4990.04 and 4990.12, Business and Professions Code; and Sections 11415.60 and 11500-11528, Government Code.

§1804. FILING OF ADDRESSES

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

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

§ 1805. APPLICATIONS

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

Note: Authority Cited: Sections 4980.60,, and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4980.44, 4980.50, 4989.20, 4992, 4992.1, 4996.2, 4996.18, 4999.42, 4999.50 and 4999.53, Business and Professions Code.

§1805.01. DEFINITIONS

For purposes of this division, the following definitions apply:

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

- (1) The individual submits documentation of completed education and experience required for licensure to the Board for review; and,
- (2) By submitting this information, seeks to be made eligible to take the required examinations.

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

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

§1805.05. REEXAMINATION

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

(b) A 180-day waiting period is required between attempts for applicants retaking a clinical examination, except as indicated in subdivision (c).

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

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

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

§1805.1. PERMIT PROCESSING TIMES

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

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

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

§ 1806. ABANDONMENT OF APPLICATION

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

(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the board.

(b) The applicant does not submit information required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency letter.

(c) Applications for licensure, as defined in section 1805.01(a), shall be deemed abandoned if the applicant fails to take or retake an examination within the following time frames:

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

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

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

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

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

(d) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

An application submitted after a previous application has been abandoned shall be treated as a new application, requiring the applicant to pay any fees required, and to meet current requirements.

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

§1807. HUMAN SEXUALITY TRAINING

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

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

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

§1807.2. CHILD ABUSE ASSESSMENT TRAINING REQUIREMENTS

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

- (a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary Education, pursuant to Sections 94802 and 94887 of the Education Code; or
- (b) Obtained from a statewide professional association representing the professions of psychology, social work or marriage and family therapy; or
- (c) Obtained from or sponsored by a local, county, state or federal governmental entity, or licensed health facility; or

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

(e) Completed after January 1, 1983.

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

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

§1810. ALCOHOLISM AND OTHER CHEMICAL SUBSTANCE DEPENDENCY TRAINING

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

(1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.

(2) Medical aspects of alcoholism and other chemical dependency.

(3) Current theories of the etiology of substance abuse.

(4) The role of persons and systems that support or compound the abuse.

(5) Major treatment approaches to alcoholism and chemical dependency.

(6) Legal aspects of substance abuse.

(7) Knowledge of certain populations at risk with regard to substance abuse.

(8) Community resources offering assessment, treatment and follow-up for the abuser and family.

(9) The process of referring affected persons.

(10) Education concerning and prevention of substance abuse.

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

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

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

(1) Obtained from the educational institutions identified in subsection (b) (1); or

(2) Obtained from or sponsored by a local, county, state or federal governmental entity; or

(3) Obtained from a licensed health facility; or

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

(d) A licensed educational psychologist that renews his or her license on or after January 1, 2012 shall receive

not less than fifteen (15) hours of instruction and training in alcoholism and other chemical substance dependency that shall include classroom training or coursework in each of the following areas:

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

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

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

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

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

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

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

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

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

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

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

§1810.2. CRISIS OR TRAUMA COUNSELING TRAINING

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

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

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

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

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

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

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

§1811. ADVERTISING

(a) All persons or referral services regulated by the board who advertise their services shall include all of the following information in any advertisement:

(1) The full name of the licensee, registrant, or registered referral service as filed with the board.

(2) The complete title of the license or registration held or an acceptable abbreviation, as follows:

(A) Licensed Marriage and Family Therapist, or MFT, or LMFT.

(B) Licensed Educational Psychologist or LEP.

(C) Licensed Clinical Social Worker or LCSW.

(D) Marriage and Family Therapist Registered Intern or MFT Registered Intern. The abbreviation "MFTI" shall not be used in an advertisement unless the title "marriage and family therapist registered intern" appears in the advertisement.

(E) Registered Associate Clinical Social Worker or Registered Associate CSW.

(F) Registered MFT Referral Service.

(G) Licensed Professional Clinical Counselor or LPCC.

(H) Professional Clinical Counselor Registered Intern or PCC Registered Intern. The abbreviation "PCCI" shall not be used in an advertisement unless the title "professional clinical counselor registered intern" appears in the advertisement.

(3) The license or registration number.

(b) Registrants must include the name of his or her employer in an advertisement, or if not employed, the name of the entity for which he or she volunteers.

(c) Licensees may use the words "psychotherapy" or "psychotherapist" in an advertisement provided that all the applicable requirements of subsection (a) are met.

(d) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and are in compliance with Section 651 of the Code. For purposes of this subdivision, “earned” shall not mean an honorary or other degree conferred without actual study in the educational field.

(e) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

(f) For the purposes of this section, “acceptable abbreviation” means the abbreviation listed in subsection (a)(2) of this Section.

Note: Authority cited: Sections 129.5, 137, 650.4, 651, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 137, 651, 4980, 4980.44, 4996.18, and 4999.45, Business and Professions Code.

§1812. SUBSTANTIAL RELATIONSHIP CRITERIA

For purposes of denial, suspension, or revocation of a license or registration pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16 of Division 2 of the Code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare.

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

§1813. CRITERIA FOR REHABILITATION-DENIAL OF LICENSURE

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

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

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

§1814. CRITERIA FOR REHABILITATION-SUSPENSIONS OR REVOCATIONS

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

- (1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for

suspension or revocation under Section 490 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) giving rise to the suspension or revocation.

(4) Whether the licensee has complied with any terms of probation, parole, restitution or any other sanctions lawfully imposed against such person.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent or immaterial.

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

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

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

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

§1815. FINGERPRINT SUBMISSION

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

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

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

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

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

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

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

§1815.5. Standards of Practice for Telehealth

- (a) All persons engaging in the practice of marriage and family therapy, educational psychology, clinical social work, or professional clinical counseling via telehealth, as defined in Section 2290.5 of the Code, with a client who is physically located in this State must have a valid and current license or registration issued by the Board.
- (b) All psychotherapy services offered by board licensees and registrants via telehealth fall within the jurisdiction of the board just as traditional face-to-face services do. Therefore, all psychotherapy services offered via telehealth are subject to the board's statutes and regulations.
- (c) Upon initiation of telehealth services, a licensee or registrant shall do the following:
 - (1) Obtain informed consent from the client consistent with Section 2290.5 of the Code.
 - (2) Inform the client of the potential risks and limitations of receiving treatment via telehealth.
 - (3) Provide the client with his or her license or registration number and the type of license or registration.
 - (4) Document reasonable efforts made to ascertain the contact information of relevant resources, including emergency services, in the patient's geographic area.
- (d) Each time a licensee or registrant provides services via telehealth, he or she shall do the following:
 - (1) Verbally obtain from the client and document the client's full name and address of present location, at the beginning of each telehealth session.
 - (2) Assess whether the client is appropriate for telehealth, including, but not limited to, consideration of the client's psychosocial situation.
 - (3) Utilize industry best practices for telehealth to ensure both client confidentiality and the security of the communication medium.
- (e) A licensee or registrant of this state may provide telehealth services to clients located in another jurisdiction only if the California licensee or registrant meets the requirements to lawfully provide services in that jurisdiction, and delivery of services via telehealth is allowed by that jurisdiction.
- (f) Failure to comply with these provisions shall be considered unprofessional conduct.

NOTE: Authority cited: Sections 4980.60, and 4990.20, Business and Professions Code. Reference: Sections 2290.5, 4980, 4989.50, 4996, 4999.30, and 4999.82, Business and Professions Code.

ARTICLE 2. FEES

§ 1816. RENEWAL FEES

- (a) The annual renewal fee for marriage and family therapist intern registration is seventy-five dollars (\$75.00).
- (b) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).
- (c) The annual renewal fee for professional clinical counselor interns is one hundred dollars (\$100.00).
- (d) The biennial active renewal fee for a licensed marriage and family therapist is one hundred thirty dollars (\$130.00).
- (e) The biennial active renewal fee for a licensed educational psychologist is eighty dollars (\$80.00).
- (f) The biennial active renewal fee for a licensed clinical social worker is one hundred dollars (\$100.00).
- (g) The biennial active renewal fee for a licensed professional clinical counselor is one hundred seventy-five dollars (\$175.00).

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

§1816.1. INITIAL LICENSE AND REGISTRATION FEES

- (a) The fee for initial issuance of the marriage and family therapist license shall be one hundred thirty dollars (\$130.00).
- (b) The fee for initial issuance of the licensed educational psychologist license shall be eighty dollars (\$80.00).
- (c) The fee for initial issuance of the licensed clinical social worker license shall be one hundred dollars (\$100.00).
- (d) The fee for initial issuance of the licensed professional clinical counselor license shall be two hundred dollars (\$200.00).
- (e) The fee for initial application of the professional clinical counselor intern registration shall be one hundred dollars (\$100.00).

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

§ 1816.2. EXAMINATION FEES

- (a) The licensed clinical social worker California law and ethics examination fee shall be one hundred dollars (\$100.00).
- (b) The board administered licensed clinical social worker clinical examination fee shall be one hundred dollars (\$100.00).
- (c) The licensed marriage and family therapist California law and ethics examination fee shall be one hundred dollars (\$100.00).
- (d) The board administered licensed marriage and family therapist clinical examination fee shall be one hundred dollars (\$100.00).
- (e) The licensed educational psychologist written examination fee shall be one hundred dollars (\$100.00).

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

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

Note: Authority Cited: 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3,, 4999.54, and 4999.120, Business and Professions Code.

§ 1816.3. EXAMINATION RESCORING FEES

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

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

§ 1816.4. EXAMINATION ELIGIBILITY APPLICATION FEES

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

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

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

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

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

§ 1816.5. REPLACEMENT AND CERTIFICATION FEES

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

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

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

§ 1816.6. INACTIVE LICENSE FEES

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

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

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

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

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4984.8, 4989.44, 4989.68, 4996.3, 4997, 4999.112 and 4999.120, Business and Professions Code.

§ 1816.7. DELINQUENCY FEES

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

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

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

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

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 163.5, 4984.7, 4989.68, 4996.3, and 4999.120 Business and Professions Code.

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

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

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

§1819.1. CONTINUING EDUCATION PROVIDER FEES

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

Note: Authority Cited: Sections 4980.60, 4989.34, and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, 4999.32, and 4999.76, Business and Professions Code.

ARTICLE 3. LICENSED PROFESSIONAL CLINICAL COUNSELORS

§1820 EXPERIENCE

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

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

§1820.5 EXEMPTIONS FOR WORKING WITH COUPLES OR FAMILIES

(a) Clinical counselor trainees, as defined in Section 4999.12, shall be exempt from Section 4999.20 (a)(3) of the Code if the trainee is gaining supervised practicum experience to comply with sections 4999.32(c)(3)(I), or 4999.33(c)(3)(K) of the Code.

(b) Trainees may not count supervised experience with couples or families toward the requirements of section 4999.20(a)(3) of the Code.

(c) Professional clinical counselor interns and licensees shall be exempt from the scope of practice restrictions set forth in section 4999.20(a)(3) of the Code if the intern or licensee meets all of the following requirements:

(1) Is gaining supervised experience to comply with Section 4999.20(a)(3)(B) or 4999.46(b)(2) of the Code.

(2) The supervised experience is gained under the direct supervision of a licensee who meets the definition of an "approved supervisor" as described in Section 4999.12(h) of the Code. If the supervisor is a licensed professional clinical counselor, he or she must also meet all requirements specified in Section 4999.20(a)(3) of the Code. A supervisor who is a licensed clinical social worker, licensed psychologist, or licensed physician who is board certified in psychiatry, shall have sufficient education and experience in treating couples and families to competently practice couples and family therapy in California.

(d) Collateral consultation may be provided to a family of an individual who is being treated by an LPCC or intern who does not meet the requirements of section 4999.20(a)(3) of the Code, and who is not working under supervision toward meeting the requirements of section 4999.20(a)(3) of the Code. Collateral contact with the family may include, but is not limited to, treatment planning, recommending resources, monitoring progress, or termination and aftercare planning.

NOTE: Authority cited: Sections 4990.20 Business and Professions Code. Reference: Sections 4990.20, 4999.32, and 4999.33 Business and Professions Code.

§1820.7 CONFIRMATION OF QUALIFICATIONS TO TREAT COUPLES OR FAMILIES

(a) Effective January 1, 2017, a licensed professional clinical counselor shall obtain written confirmation from the board that he or she meets the requirements specified in 4999.20(a)(3) to treat couples and families, and shall provide a copy of this written confirmation to the clients prior to commencement of couple or family treatment.

(b) Effective January 1, 2017, a licensed professional clinical counselor shall obtain written confirmation from the board that he or she meets the requirements specified in 4999.20(a)(3) to treat couples and families, and shall provide a copy of this written confirmation to the supervisees listed below prior to commencement of supervision:

(1) A marriage and family therapist intern or trainee.

(2) A licensed professional clinical counselor or professional clinical counselor intern gaining supervised experience to comply with section 4999.20(a)(3).

(c) The board shall accept any of the following as documentation of the supervised experience required by section 4999.20(a)(3)(B) of the Code to treat couples and families:

(1) Hours of experience verified by a qualified supervisor.

(2) Hours of experience and supervisor's license information verified by the employer if the former supervisor is no longer available.

(3) The board may consider other documentation deemed equivalent by the board on a case-by-case basis.

NOTE: Authority cited: Section 4990.20 Business and Professions Code. Reference: Sections 4990.20, 4999.32, and 4999.33 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.

§ 1822.50. EXAMINATIONS

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

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

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

(b) The clinical examination as described in subsection (a)(2) shall be the National Clinical Mental Health Counseling Examination.

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

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

§ 1822.51. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

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

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

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

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

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

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

§ 1822.52. TIME FRAMES - LAW & ETHICS EXAMINATION

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

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

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

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

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

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

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

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

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

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

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

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

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

§1823. UNPROFESSIONAL CONDUCT

As used in Section 4999.90 of the code, unprofessional conduct includes, but is not limited to:

(a) Failure to provide to the board, as authorized by law, copies of records within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee or registrant is unable to provide the records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the records in the time allowed due to illness or travel, or inability to obtain the necessary patient release authorization, if applicable. This subsection shall not apply to a licensee or registrant who does not have access to, and control over, medical records.

(b) Failure to cooperate and participate in any board investigation pending against the licensee or registrant. This subsection shall not be construed to deprive a licensee, registrant, or a consumer of any rights or privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory rights or privileges. This subsection shall not be construed to require a licensee or registrant to cooperate with a request that would require the licensee, registrant, or a consumer to waive any constitutional or statutory rights or privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's or registrant's practice. Any exercise by a licensee or registrant of any constitutional or statutory rights or privilege shall not be used against the licensee or registrant in a regulatory or disciplinary proceeding against the licensee or registrant.

(c) Failure to report to the board within 30 days any of the following:

(1) A conviction of any felony or misdemeanor, which is not subject to Health & Safety Code sections 11357 (b), (c), (d), (e), or 11360 (b). A conviction includes any verdict of guilty, or plea of guilty or no contest.

(2) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(d) Failure to provide, within 30 days of a request, documentation to the Board regarding the arrest of the licensee or registrant, except for records of convictions or arrests protected under Penal Code section 1000.4, or Health and Safety Code sections 11361.5 and 11361.7.

(e) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Sections 4990.20, 4999.48, Business and Professions Code. Reference: Sections 4990.20, 4999.48, and 4999.90, Business and Professions Code, Section 1000.4, Penal Code, and Sections 11357, 11360, 11361.5 and 11361.7, Health and Safety Code.

ARTICLE 4. LICENSED MARRIAGE AND FAMILY THERAPISTS

§ 1829. EXAMINATIONS

The written examinations shall consist of the following:

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

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

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

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

§ 1829.1. REQUIRED EXAMINATIONS

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

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

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

(b) The clinical examination as described in subsection (a)(2) shall be a board administered examination.

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

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

§ 1829.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

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

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

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

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

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

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

§ 1829.3. TIME FRAMES - LAW & ETHICS EXAMINATION

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

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

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

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

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

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

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

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

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

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

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

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

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

§1832. EQUIVALENT ACCREDITING AGENCIES

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

Higher Schools:

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

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

§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.

§1845. UNPROFESSIONAL CONDUCT

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

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

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

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

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

(e) Failure to provide to the board, as authorized by law, copies of records within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee or registrant is unable to provide the records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the records in the time allowed due to illness or travel, or inability to obtain the necessary patient release authorization, if applicable. This subsection shall not apply to a licensee or registrant who does not have access to, and control over, medical records.

(f) Failure to cooperate and participate in any board investigation pending against the licensee or registrant. This subsection shall not be construed to deprive a licensee, registrant, or a consumer of any rights or privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory rights or privileges. This subsection shall not be construed to require a licensee or registrant to cooperate with a request that would require the licensee, registrant, or a consumer to waive any constitutional or statutory rights or privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's or registrant's practice. Any exercise by a licensee or registrant of any constitutional or statutory rights or privilege shall not be used against the licensee or registrant in a regulatory or disciplinary proceeding against the licensee or registrant.

(g) Failure to report to the board within 30 days any of the following:

(1) A conviction of any felony or misdemeanor, which is not subject to Health & Safety Code sections 11357(b), (c), (d), (e) or 11360(b). A conviction includes any verdict of guilty, or plea of guilty or no contest.

(2) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(h) Failure to provide, within 30 days of a request, documentation to the Board regarding the arrest of the licensee or registrant, except for records of convictions or arrests protected under Penal Code section 1000.4, or Health and Safety Code sections 11361.5 and 11361.7.

(i) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.03, 4980.60 and 4982, Business and Professions Code; and Sections 1000.4 and 11166, Penal Code, Sections 11357, 11360, 11361.5 and 11361.7, Health and Safety Code, and Section 15630, Welfare and Institutions Code.

§1846. MARRIAGE AND FAMILY THERAPIST INTERNS

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

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

ARTICLE 4.5. PROFESSIONAL CORPORATIONS

§1850.6. NAME OF CORPORATION

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

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

§1850.7. SHARES: OWNERSHIP AND TRANSFER

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

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

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

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

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

(f) The income of the corporation attributable to professional, licensed services rendered while a shareholder is a disqualified person shall not in any manner accrue to the benefit of such shareholder or his or her shares.

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

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

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

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

ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS

§1854. EQUIVALENT DEGREES

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

- (a) Western Association of Schools and Colleges.
- (b) Northwest Association of Secondary and Higher Schools.
- (c) Middle States Association of Colleges and Secondary Schools.
- (d) New England Association of Colleges and Secondary Schools.
- (e) North Central Association of Colleges and Secondary Schools.
- (f) Southern Association of Colleges and Schools.
- (g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree or degrees.

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

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

- (a) No more than one year of experience will be granted for any 12 month period.
- (b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.
- (c) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.

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

§1858. UNPROFESSIONAL CONDUCT

As used in Section 4989.54 of the code, unprofessional conduct includes, but is not limited to:

- (a) Impersonates a licensee or allows another person to use his or her license.
- (b) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.
- (c) Failure to provide to the board, as authorized by law, copies of records within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee or registrant is unable to provide

the records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the records in the time allowed due to illness or travel, or inability to obtain the necessary patient release authorization, if applicable. This subsection shall not apply to a licensee or registrant who does not have access to, and control over, medical records.

(d) Failure to cooperate and participate in any board investigation pending against the licensee or registrant. This subsection shall not be construed to deprive a licensee, registrant, or a consumer of any rights or privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory rights or privileges. This subsection shall not be construed to require a licensee or registrant to cooperate with a request that would require the licensee, registrant, or a consumer to waive any constitutional or statutory rights or privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's or registrant's practice. Any exercise by a licensee or registrant of any constitutional or statutory rights or privilege shall not be used against the licensee or registrant in a regulatory or disciplinary proceeding against the licensee or registrant.

(e) Failure to report to the board within 30 days any of the following:

(1) A conviction of any felony or misdemeanor, which is not subject to Health & Safety Code sections 11357 (b), (c), (d), (e), or 11360 (b). A conviction includes any verdict of guilty, or plea of guilty or no contest.

(2) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(f) Failure to provide, within 30 days of a request, documentation to the Board regarding the arrest of the licensee or registrant, except for records of convictions or arrests protected under Penal Code section 1000.4, or Health and Safety Code sections 11361.5 and 11361.7.

(g) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Section 4989.18, Business and Professions Code. Reference: Sections 4989.18 and 4989.54, Business and Professions Code, Section 1000.4, Penal Code, and Sections 11357, 11360, 11361.5 and 11361.7, Health and Safety Code.

ARTICLE 6. LICENSED CLINICAL SOCIAL WORKERS

§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS

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

(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 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.

§ 1877. EXAMINATIONS

The written examinations shall consist of the following:

- (a) A standard written examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, theory and laws under which he or she must operate; and
- (b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.
- (c) This section shall become inoperative on January 1, 2016.

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

§ 1877.1. REQUIRED EXAMINATIONS

- (a) The written examinations shall test for minimum acceptable competency to practice clinical social work without causing harm to the public health, safety or welfare, and shall consist of the following:
 - (1) A California law and ethics examination designed to assess the applicant's knowledge of-and ability to apply legal and ethical standards relating to the practice of clinical social work.
 - (2) A clinical examination designed to assess an applicant's knowledge of psychosocial principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the clinical social worker scope of practice.
- (b) The clinical examination as described in subsection (a)(2) shall be the Association of Social Work Boards Clinical Examination.

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

§ 1877.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

- (a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:
 - (1) The applicant holds a current, delinquent or cancelled associate registration, submits a request and pays the fee to take the examination.
 - (A) When a registrant who holds a current or delinquent registration takes the examination and does not pass during his or her one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4992.09(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.
 - (2) The applicant currently has an approved application for licensure.
- (b) This section shall become operative on January 1, 2016.

§ 1877.3. TIME FRAMES - LAW & ETHICS EXAMINATION

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

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

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

- (1) A registrant whose associate registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.
- (2) A registrant whose associate registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.
- (3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4992.09(c) of the Code.
- (4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:
 - (A) A request to take the examination including the required fee.
 - (B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4992.09(e) of the Code.

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

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

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

§1880. UNLICENSED ASSISTANTS

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

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

§1881. UNPROFESSIONAL CONDUCT

As used in Section 4992.3 of the code, unprofessional conduct includes, but is not limited to:

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

- (b) Impersonates a licensee or who allows another person to use his or her license.
- (c) Aids or abets an unlicensed person to engage in conduct requiring a license.
- (d) Intentionally or recklessly causes physical or emotional harm to a client.
- (e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.
- (f) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of a Licensed Clinical Social Worker.
- (g) Performs or holds himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.
- (h) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.
- (i) Fails to maintain the confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client during the course of treatment and all information about the client which is obtained from tests or other such means.
- (j) Prior to the commencement of treatment, fails to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fee will be computed.
- (k) Advertises in a manner which is false or misleading.
- (l) Reproduces or describes in public or in publications subject to general public distribution, any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate such test or device. The licensee shall limit access to such test or device to persons with professional interest who are expected to safeguard their use.
- (m) Commits an act or omission which falls sufficiently below that standard of conduct of the profession as to constitute an act of gross negligence.
- (n) Pays, accepts or solicits any consideration, compensation or remuneration for the referral of professional clients. All consideration, compensation or remuneration must be in relation to professional counseling services actually provided by the licensee. Nothing in this section shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for such collaboration except when disclosure of such fee is made in compliance with subparagraph (j) above.
- (o) Fails to comply with the child abuse reporting requirements of Penal Code Section 11166.
- (p) Fails to comply with the elder and dependent adult abuse reporting requirements of Welfare and Institution Code Section 15630.
- (q) Failure to provide to the board, as authorized by law, copies of records within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee or registrant is unable to provide the records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the records in the time allowed due to illness or travel, or inability to obtain the necessary patient release

authorization, if applicable. This subsection shall not apply to a licensee or registrant who does not have access to, and control over, medical records.

(r) Failure to cooperate and participate in any board investigation pending against the licensee or registrant. This subsection shall not be construed to deprive a licensee, registrant, or a consumer of any rights or privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory rights or privileges. This subsection shall not be construed to require a licensee or registrant to cooperate with a request that would require the licensee, registrant, or a consumer to waive any constitutional or statutory rights or privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's or registrant's practice. Any exercise by a licensee or registrant of any constitutional or statutory rights or privilege shall not be used against the licensee or registrant in a regulatory or disciplinary proceeding against the licensee or registrant.

(s) Failure to report to the board within 30 days any of the following:

(1) A conviction of any felony or misdemeanor, which is not subject to Health & Safety Code sections 11357 (b), (c), (d), (e), or 11360 (b). A conviction includes any verdict of guilty, or plea of guilty or no contest.

(2) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(t) Failure to provide, within 30 days of a request, documentation to the Board regarding the arrest of the licensee or registrant, except for records of convictions or arrests protected under Penal Code section 1000.4, or Health and Safety Code sections 11361.5 and 11361.7.

(u) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4990.20, 4992.3, 4992.33 and 4996.11, Business and Professions Code; Sections 1000.4 and 11166, Penal Code, Sections 11357, 11360, 11361.5 and 11361.7, Health and Safety Code, and Section 15630, Welfare and Institution Code.

ARTICLE 7. CITATIONS AND FINES

§1886. AUTHORITY TO ISSUE CITATIONS AND FINES

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

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

§1886.10. CITATIONS FOR UNLICENSED PRACTICE

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, as defined in Section 302(d) of the Code, who are performing or who have performed services for which a license is required under the statutes and regulations enforced by the Board of Behavioral Sciences. Each citation issued for unlicensed activity shall

contain an order of abatement. Where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with section 1886.40 of these regulations. The provisions of sections 1886-1886.80 shall apply to the issuance of citations for unlicensed activity under this section. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

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

§1886.20. CITATION FORMAT

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

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

§1886.30. CITATION FACTORS

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

- (a) The gravity of the violation.
- (b) The good or bad faith exhibited by the cited person.
- (c) The history of previous violations of the same or similar nature.
- (d) Evidence that the violation was or was not willful.
- (e) The extent to which the cited person has cooperated with the board's investigation.
- (f) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation.
- (g) Any other factors as justice may require.

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

§1886.40. AMOUNT OF FINES

- (a) For purposes of this section, a "citable offense" is defined as any violation of the statutes and regulations enforced by the Board of Behavioral Sciences, including Chapters 13, 13.5, 14, and 16 of Division Two of the Business and Professions Code and Title 16, Division 18, California Code of Regulations.
- (b) The executive officer of the board may assess fines for citable offenses which shall not exceed two thousand five hundred dollars (\$2,500) for each investigation except as otherwise provided in this section. The executive officer shall not impose any duplicate fines for the same violation.
- (c) The executive officer of the board may assess fines for citable offenses which shall not exceed five thousand (\$5,000) for each investigation if the violation or count includes one or more of the following circumstances:

- (1) The cited person has a history of two or more prior citations for similar violations, except for citations withdrawn or dismissed after appeal.
- (2) The citation involves multiple violations that demonstrate a willful disregard of the statutes or regulations.
- (3) The citation is for a violation or violations involving a minor, elder or dependent adult, or a person with a physical or mental disability as defined in Section 12926 of the Government Code.
- (4) The citation involves unlicensed practice.
- (5) The citation involves an unlawful or unauthorized breach of confidentiality.
- (6) The citation is for failure to submit fingerprints to the Department of Justice as required by the Board.

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

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

§1886.50. EXCEPTIONS

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

- (a) The violation is of such a nature and/or severity that revocation of the license or restrictions on the cited person are necessary in order to ensure consumer protection.
- (b) The cited person failed to comply with any requirement of any previous citation, including any order of abatement or fine.

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

§1886.60. COMPLIANCE WITH CITATION/ORDER OF ABATEMENT

- (a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the cited person may request an extension of time in which to complete the correction from the executive officer of the board. Such a request shall be in writing and shall be made within the time set forth for abatement.
- (b) If a citation is not contested, or if the citation is contested and the cited person does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.
- (c) Failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial action being taken against the cited person.
- (d) If a fine is not paid after a citation has become final, the fine shall be added to the cited person's license or registration renewal fee. A license or registration shall not be renewed without payment of the renewal fee and fine.

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

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

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

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

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

(e) If a cited person wishes to contest an affirmed or modified citation, the cited person shall, within 30 days after service of the citation, contest the affirmed or modified citation by submitting a written request for an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, to the executive officer or his or her designee. An informal citation conference shall not be held on affirmed or modified citations.

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

§1886.80. DISCONNECTION OF TELEPHONE SERVICE

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

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

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

§1887. DEFINITIONS

INOPERATIVE July 1, 2015

As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.
- (b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).
- (c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article.
- (d) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.
- (e) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date.

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

§1887. DEFINITIONS

OPERATIVE July 1, 2015

As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location that has been verified and approved by the continuing education provider.
- (b) A "provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.
- (c) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.

- (d) A “renewal period” means the two-year period that spans from the effective date of the license to the expiration date.
- (e) An “approval agency” means an organization recognized by the board that evaluates and approves providers of continuing education, ensures courses offered by its providers meet the continuing education requirements of the board, and monitors the quality of each approved continuing education course.

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

§1887.1. LICENSE RENEWAL REQUIREMENTS

- (a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.
- (b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.

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

§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS

INOPERATIVE July 1, 2015

- (a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education, of which no more than nine (9) hours may be earned through self-study courses, prior to his or her first license renewal.
- (b) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.
- (c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled “Request for Continuing Education Exception – Licensee Application,” Form No. 1800 37A-635 (Rev 3/10), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.
- (1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:
- (A) For at least one year during the licensee’s previous license renewal period the licensee was absent from California due to his or her military service;
- (B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country; or

- (2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 03/10), hereby incorporated by reference.

Note: Authority cited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; and Sections 12944 and 12926, Government Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS

OPERATIVE July 1, 2015

- (a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education prior to his or her first license renewal.
- (b) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.
- (c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education Exception – Licensee Application," Form No. 1800 37A-635 (Rev 3/10), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.
- (1) The board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:
- (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to his or her military service;
 - (B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or
- (2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 03/10), hereby incorporated by reference.

Note: Authority cited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; and Sections 12926 and 12944, Government Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS

INOPERATIVE July 1, 2015

- (a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4. A licensee may accrue no more than eighteen (18) hours of continuing education earned through self-study courses during each renewal period.
- (b) A marriage and family therapist and clinical social worker licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (c) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (d) Any person renewing his or her license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.
- (e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.
- (f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.
- (g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.
- (h) Provisions of this section shall apply to licensed educational psychologists as follows:
 - (1) Beginning January 1, 2012 and through December 31, 2012 licensees shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal, in accordance with subdivision (d) through (g).
 - (2) On and after January 1, 2013, licensees shall meet the requirements of subdivision (a) through (g).

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS

OPERATIVE July 1, 2015

- (a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4.0.
- (b) Marriage and family therapists and clinical social workers who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (c) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (d) Any person renewing his or her license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.
- (e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.
- (f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.
- (g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.
- (h) A licensee who attends the board enforcement case review training may be awarded up to six hours of continuing education in the renewal cycle in which the case review training was attended. The continuing education hours earned by attending a board enforcement case review training may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (i) A licensee who acts as a board subject matter expert (SME) for an enforcement case review may be awarded six hours of continuing education in the renewal cycle in which the enforcement case review was performed. The continuing education hours earned by acting as a board enforcement case SME may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (j) A licensee who participates in a board examination development workshop may be awarded six hours of continuing education in the renewal cycle in which the examination development workshop was attended. The continuing education hours earned by participating in a board examination development workshop may only be used to satisfy the law and ethics portion of the continuing education requirement.

- (k) A licensee who participates in a professional organization's law and ethics review committee may be awarded up to six hours of continuing education in the renewal cycle in which the participation occurred. The continuing education earned by participating in a professional organization's law and ethics review committee may only be used to satisfy the law and ethics portion of the continuing education requirement.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.4. CONTINUING EDUCATION COURSE CONTENT

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

- (a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code. The content of a course shall also be related to direct or indirect patient/client care.
- (1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).
- (2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).
- (b) A provider shall ensure that a course has specific objectives that are measurable.
- (c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

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

§1887.4.0. CONTINUING EDUCATION COURSE CONTENT

OPERATIVE July 1, 2015

- (a) Courses shall meet the requirements, relevant to each practice, as set forth in Sections 4980.54, 4989.34, 4996.22 and 4999.76 of the Code.
- (b) The content of the course shall be based upon a methodological, theoretical, research, or practice knowledge base, and;
- (1) demonstrate credibility through the involvement of the broader mental health practices, education, and science communities in studying or applying the findings, procedures, practices or theoretical concepts; or
- (2) be related to ethical, legal, statutory or regulatory policies, guidelines, and standards that impact each respective practice.
- (c) Each continuing education course shall have:

- (1) written educational goals and specific learning objectives that are measurable and serve as a basis for an evaluation of the effectiveness of the course;
- (2) an evaluation mechanism that allows each participant to evaluate the continuing education course;
- (3) a syllabus that provides a general outline of the course, which shall contain, at a minimum, the learning objectives for each course and a summary containing the main points for each topic; and
- (4) a mechanism that allows all participants to assess their achievement in accordance with the program's learning objectives.

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

1887.4.1. BOARD-RECOGNIZED APPROVAL AGENCIES

OPERATIVE July 1, 2015

(a) The following are board-recognized approval agencies:

- (1) National Association of Social Workers (NASW)
- (2) Association of Social Work Boards (ASWB)
- (3) National Board of Certified Counselors (NBCC)
- (4) National Association of School Psychologists (NASP)
- (5) American Psychological Association (APA)

(b) The board may recognize another entity as an approval agency if the entity can demonstrate in writing the following:

- (1) The entity is an organization that represents a licensed health care profession.
- (2) The entity has a documented Code of Ethics.
- (3) The entity has documented procedures for maintaining a continuing education approval program, including, but not limited to:
 - (A) Maintaining and managing records and data related to continuing education programs.
 - (B) Monitoring and approving continuing education providers and courses.
- (4) The entity has policies to avoid a conflict of interest between any provider and approval functions.
- (5) The entity has the capacity to evaluate courses to ensure compliance with Section 1887.4.0.

(c) Upon written confirmation from the board that the entity has been recognized, the entity may advertise that it has been recognized by the board.

(d) Failure of the entity to substantially comply with the provisions as set forth in Section 1887.4.2 shall constitute cause for revocation of recognition by the board.

1887.4.2. APPROVAL AGENCY RESPONSIBILITIES

OPERATIVE July 1, 2015

(a) Each board-recognized approval agency shall:

- (1) Evaluate each continuing education provider seeking approval in accordance with the requirements of Section 1887.4.3.
- (2) Maintain a list of the names and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person shall be reported to the approval agency within 15 days of the effective date of the change.
- (3) Provide the board with the name, address and responsible party of each provider upon request.
- (4) Respond to complaints from the board, providers, or licensees concerning activities of any of its approved providers or their courses.
- (5) Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the board and, upon request, report the findings of such reviews to the board.
- (6) Ensure that the continuing education coursework offered by its providers meets the continuing education requirements of the board.
- (7) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

§1887.4.3. CONTINUING EDUCATION PROVIDER RESPONSIBILITIES

OPERATIVE July 1, 2015

(a) A continuing education provider shall be either:

- (1) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code;
- (2) a board-recognized approval agency or a continuing education provider that has been approved or registered by a board-recognized approval agency for continuing education; or
- (3) an organization, institution, association, or other entity that is recognized by the board as a continuing education provider. The following organizations are recognized by the board as continuing education providers:

- (A) American Association for Marriage and Family Therapy (AAMFT)
- (B) American Association for Marriage and Family Therapy-California Division (AAMFT-CA)
- (C) California Association for Licensed Professional Clinical Counselors (CALPCC)
- (D) California Association of Marriage and Family Therapists (CAMFT)
- (E) National Association of Social Workers-California Chapter (NASW-CA)
- (F) California Society for Clinical Social Work (CSCSW)
- (G) California Association of School Psychologists (CASP)
- (H) California Psychological Association (CPA)
- (I) California Counseling Association (CCA)
- (J) American Counseling Association (ACA)

- (b) Each provider shall ensure that each continuing education course complies with the requirements of Section 1887.4.0.
- (c) Each provider shall furnish each licensee a record of course completion as defined in Section 1887.11.0.
- (d) Each provider shall maintain records of completion of their continuing education courses for four (4) years as defined in Section 1887.12(b). Credit hours awarded shall be in compliance with Section 1887.5.
- (e) Each provider shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.
- (f) No provider shall discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.
- (g) No provider shall promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.
- (h) Each provider must be able to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency, or professional association.
- (i) Each provider must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.
- (j) When a provider works with another party on the development, distribution, and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (k) Each provider is responsible for meeting all applicable local, state and federal standards, including the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2008).
- (l) Each provider shall submit all documents related to an audit of course material to the approval agency or the board upon written request.

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

§1887.5. HOURS OF CONTINUING EDUCATION CREDIT

- (a) One hour of instruction is equal to one hour of continuing education credit.
- (b) One academic quarter unit is equal to ten (10) hours of continuing education credit.
- (c) One academic semester unit is equal to fifteen (15) hours of continuing education credit.

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

§1887.6. CONTINUING EDUCATION PROVIDERS

INOPERATIVE July 1, 2015

A continuing education course shall be taken from:

- (a) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or
- (b) a board-approved provider with a valid, current approval as provided in Section 1887.7.

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

§1887.7. BOARD-APPROVED PROVIDERS

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

- (a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.
- (b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800 37A-633, Rev. 1/11), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.
- (c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.
- (d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.
- (e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.
- (f) Board-approved provider numbers are non-transferable.
- (g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.

§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

- (a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:
 - (1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;
 - (2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or
 - (3) a provider makes a material misrepresentation of fact in information submitted to the board.
- (b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The continuing education appeals committee shall contain three board members, one public member and two members representing two of the four license types regulated by the board. The decision of the continuing education appeals committee is final.

§1887.9. COURSE ADVERTISEMENTS

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:

- (a) the provider's name;
- (b) the provider number, if a board-approved provider;
- (c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";

(d) the provider's policy on refunds in cases of non-attendance by the registrant; and

(e) a clear, concise description of the course content and objectives.

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

§1887.10. COURSE INSTRUCTOR QUALIFICATIONS

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

(1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;

(3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or

(4) at least two years' experience in an area related to the subject matter of the course.

(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.11. RECORDS OF COURSE COMPLETION

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

(a) name of licensee and license number or other identification number;

(b) course title;

(c) provider name and address;

(d) provider number, if a board-approved provider;

(e) date of course;

(f) number of hours of continuing education credit; and

(g) signature of course instructor, provider, or provider designee.

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

§1887.11.0 RECORDS OF COURSE COMPLETION

OPERATIVE July 1, 2015

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

(a) name of licensee and license number or other identification number;

(b) course title;

(c) provider name and address;

(d) Board-recognized approval agency name, or a statement that the provider is an entity recognized by the board to provide continuing education pursuant to Section 1887.4.3;

(e) date of course;

(f) number of hours of continuing education credit; and

(g) signature of course instructor, provider, or provider designee.

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

§1887.12. LICENSEE AND PROVIDER COURSE RECORDS

(a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.

(b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:

(1) syllabi for all courses;

(2) the time and location of all courses;

(3) course advertisements;

(4) course instructors' vitae or resumes;

(5) attendance rosters with the names and license numbers of licensees who attended the courses;

(6) sign-in sheets; and

(7) records of course completion issued to licensees who attended the courses.

(c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

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

1887.13 RENEWAL OF EXPIRED APPROVAL

A provider approval that has expired may be renewed at any time within one (1) year after its expiration, but before July 1, 2015, upon all of the following:

- (a) Filing an application for renewal on a form prescribed by the board.
- (b) Payment of the renewal fee in effect on the last regular renewal date.
- (c) Payment of the delinquency fee in effect on the last regular renewal date.
- (d) Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.

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

1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL

INOPERATIVE January 1, 2015

A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

- (a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation; and
- (b) The applicant pays the fees that would be required if applying for approval for the first time.

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

1887.15 TRANSITION PERIOD FOR CONTINUING EDUCATION PROGRAM

- (a) An entity wishing to become recognized by the board as an approval agency may submit documentation demonstrating compliance with Section 1887.4.1 to the board beginning January 1, 2015.
- (b) Effective January 1, 2015, the board will cease accepting applications for board-approved continuing education providers.
- (c) Effective July 1, 2015, all board-approved continuing education provider numbers will no longer be renewed.

- (d) Notwithstanding any other provision of this Article, board-approved continuing education provider numbers with an expiration date of July 1, 2015, or later are not eligible for renewal.
- (e) Notwithstanding any other provision of this Article, each board-approved continuing education provider may continue to provide continuing education coursework until the expiration of their continuing education provider number.
- (f) Board licensees may be credited with continuing education credits from a board-approved continuing education provider if all of the following criteria are satisfied:
- (1) The board-approved continuing education provider's board-issued provider number was not expired at the time that the course was taken; and
 - (2) The continuing education course satisfied the course requirements set forth in Section 1887.4 and the instructor requirements set forth in Section 1887.10, as applicable to continuing education providers who hold an active board-issued continuing education provider number.

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

ARTICLE 9. DISCIPLINARY GUIDELINES

§1888. UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND DISCIPLINARY GUIDELINES

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Behavioral Sciences shall consider the "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines" [Rev. October 2015] which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards Related to Substance Abuse apply to cases of substance abuse. Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation – for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) Notwithstanding subsection (a), if the conduct found to be a violation involves drugs and/or alcohol, the violation is a substance abuse violation for purposes of Section 315 of the Code. If the licensee or registrant does not rebut that the violation is a substance abuse violation, then the Uniform Standards Related to Substance Abuse shall apply without deviation.

(c) Nothing in this section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.

Note: Authority cited: Sections 315, 315.2, 315.4, 4980.60 and 4990.20, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 480, 4982, 4989.54, 4992.3, and 4999.90, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

§1888.1 REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS

(a) Except as otherwise provided by law, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the board shall:

- 1) Deny an application by the individual for licensure and registration, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- 2) Revoke the license or registration of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license or registration on probation.
- 3) Deny any petition to reinstate or reissue the individual's license or registration.

(b) This section shall not apply to any of the following:

- 1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration.
- 2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code, provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to deny or discipline a license or registration under any other provision of state law based upon the licensee's or registrant's conviction under Section 314 of the Penal Code.
- 3) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation. A petition for reinstatement of a revoked or surrendered license or registration shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subsection (a) against reinstating a license or registration shall govern.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.40, 4989.24, 4990.30, 4996.2, 4999.42, and 4999.51, Business and Professions Code.

ARTICLE 10. GROUP ADVERTISING AND REFERRAL SERVICES FOR MARRIAGE AND FAMILY THERAPIST

§1889. DEFINITIONS

An "MFT referral service" means a group advertising and referral service for marriage and family therapists as provided for in Section 650.4 of the Code.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

§1889.1. REGISTRATION

(a) The board shall issue a registration for an MFT referral service to an applicant who submits:

(1) a completed MFT Referral Service Registration Application (form no. 37A-309, new 8/97), hereby incorporated by reference;

(2) a copy of the service's standard form contract regulating its relationship with member marriage and family therapists, demonstrating compliance with Section 650.4 of the Code and this article; and

(3) a copy of the service's advertising, demonstrating compliance with Section 650.4 of the Code and this article.

(b) An MFT referral service registration issued under this section shall remain valid until suspended or revoked, or until the MFT referral service notifies the board in writing that the service has discontinued referrals to any marriage and family therapists and no longer desires registration, provided there are no pending disciplinary actions on the MFT referral service's registration.

(c) It is unlawful for any MFT referral service to make referrals to participating or member marriage and family therapists unless at the time of so doing such service holds a registration that is valid and in good standing.

(d) An MFT referral service registration is non-transferable.

(e) An MFT referral service shall notify the board within thirty (30) days concerning any changes or modifications to the service's standard form contract regulating its relationship with member marriage and family therapists, providing a copy of the new contract to the board.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

§1889.2. REVOCATION OR DENIAL OF REGISTRATION

(a) The board may revoke its registration of an MFT referral service or deny an MFT referral service application for good cause. For the purposes of this subsection, "responsible party" includes any owner, co-owner, or member on the board of directors of an MFT referral service. Good cause includes, but is not limited to, the following:

(1) the responsible party of an MFT referral service is convicted of a felony or misdemeanor offense substantially related to the activities of an MFT referral service;

(2) the responsible party of an MFT referral service, who is a licensee of the board, fails to comply with any provisions of Chapters 13 and 14 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations;

(3) an MFT referral service fails to comply with any provisions of Sections 650, 650.4, or 651 of the Code or these regulations; or

(4) an MFT referral service makes a material misrepresentation of fact in information submitted to the board.

(b) After a thorough case review, should the board decide to revoke or deny its registration of an MFT referral service, it shall give the MFT referral service written notice setting forth its reasons for revocation or denial. The MFT referral service may appeal the revocation or denial in writing, within fifteen (15) days after service of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point.

Should the board's designee decide to uphold the revocation or denial, the MFT referral service may appeal

the decision of the board's designee in writing, within fifteen (15) days after service of the decision of the board's designee, and request a hearing with a referral services appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The referral services appeals committee shall contain three board members, one of whom shall be a public member, and two of whom shall be members representing two of the four license types regulated by the board. The decision of the referral services appeals committee is final.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

§1889.3. ADVERTISING AND REFERRAL GUIDELINES

(a) An MFT referral service shall advertise and make referrals in accordance with Sections 650.4 and 651 of the Code and Section 1811 of these regulations.

(b) An MFT referral service shall only make referrals to marriage and family therapists with current, valid licenses. Referrals made to marriage and family therapists on probation shall be made in accordance with the terms of probation set by the board.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

MISCELLANEOUS CODE SECTIONS

The following sections of law are NOT provided in this handbook, but may also apply: Business and Professions Code Sections 7.5, 23.7, 23.8, 29.5, 30, 31, 114, 118, 119, 121, 121.5, 123, 123.5, 125, 125.3, 125.5, 125.6, 125.7, 125.8, 134, 135.5, 140, 141, 149, 166, 475, 476, 477, 478, 480, 481, 482, 484, 485, 486, 487, 490, 490.5, 491, 492, 493, 494, 495, 496, 498, 499, 650, 650.4, 651, 652, 654.3, 683, 685, 700, 701, 702, 703, 704, 726, 728, 729, 810, 820, 821, 822, 823, 17500, 17500.1, 17500.5, 17535, 17535.5, and 17536. Code sections may be found at the California Legislative Information [website](#).

BUSINESS AND PROFESSIONS CODE OF CALIFORNIA

§25. TRAINING IN HUMAN SEXUALITY

Any person applying for a license, registration, or the first renewal of a license, after the effective date of this section, as a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed professional clinical counselor shall, in addition to any other requirements, show by evidence satisfactory to the agency regulating the business or profession, that he or she has completed training in human sexuality as a condition of licensure. The training shall be creditable toward continuing education requirements as deemed appropriate by the agency regulating the business or profession, and the course shall not exceed more than 50 contact hours. The Board of Psychology shall exempt from the requirements of this section any persons whose field of practice is such that they are not likely to have use for this training. "Human sexuality" as used in this section means the study of a human being as a sexual being and how he or she functions with respect thereto. The content and length of the training shall be determined by the administrative agency regulating the business or profession and the agency shall proceed immediately upon the effective date of this section to determine what training, and the quality of staff to provide the training, is available and shall report its determination to the Legislature on or before July 1, 1977.

If a licensing board or agency proposes to establish a training program in human sexuality, the board or agency shall first consult with other licensing boards or agencies that have established or propose to establish a training program in human sexuality to ensure that the programs are compatible in scope and content.

§27. PUBLIC INFORMATION

(a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information on its licensees and registrants.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Cannabis Regulation shall disclose information on its licensees.

(g) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

§28. TRAINING FOR CHILD, ELDER AND DEPENDENT ADULT ABUSE ASSESSMENT AND REPORTING; LICENSING PREREQUISITES

(a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with victims and potential victims of child, elder, and dependent adult abuse, and abusers and potential abusers of children, elders, and dependent adults are provided with adequate and appropriate training regarding the assessment and reporting of child, elder, and dependent adult abuse that will ameliorate, reduce, and eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.

(b) The Board of Psychology and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist. This training shall be required one time only for all persons applying for initial licensure or for licensure renewal.

(c) All persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:

(1) Be obtained from one of the following sources:

(A) An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.

(B) A continuing education provider as specified by the responsible board by regulation.

(C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the responsible board.

(2) Have a minimum of seven contact hours.

(3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(4) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.

(d) The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in his or her practice because of the nature of that practice.

(e) It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist have minimal but appropriate training in the areas of child, elder, and dependent adult abuse assessment and reporting. It is not intended that, by solely complying with this section, a practitioner is fully trained in the subject of treatment of child, elder, and dependent adult abuse victims and abusers.

(f) The Board of Psychology and the Board of Behavioral Sciences are encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure or license renewal.

§29. CHEMICAL DEPENDENCY AND EARLY INTERVENTION TRAINING; CONTINUING EDUCATION REQUIREMENTS

(a) The Board of Psychology and the Board of Behavioral Sciences shall consider adoption of continuing education requirements including training in the area of recognizing chemical dependency and early intervention for all persons applying for renewal of a license as a psychologist, clinical social worker, marriage and family therapist, or professional clinical counselor.

(b) Prior to the adoption of any regulations imposing continuing education relating to alcohol and other chemical dependency, the boards are urged to consider coursework to include, but not necessarily be limited to, the following topics:

- (1) Historical and contemporary perspectives on alcohol and other drug abuse.
- (2) Extent of the alcohol and drug abuse epidemic and its effects on the individual, family, and community.
- (3) Recognizing the symptoms of alcoholism and drug addiction.
- (4) Making appropriate interpretations, interventions, and referrals.
- (5) Recognizing and intervening with affected family members.
- (6) Learning about current programs of recovery, such as 12 step programs, and how therapists can effectively utilize these programs.

§32. LEGISLATIVE FINDINGS; AIDS TRAINING IN CONTINUING EDUCATION REQUIREMENTS FOR SPECIFIED LICENSES

(a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have or intend to have significant contact with patients who have, or are at risk to be exposed to, acquired immune deficiency syndrome (AIDS) are provided with training in the form of continuing education regarding the characteristics and methods of assessment and treatment of the condition.

(b) A board vested with the responsibility of regulating the following licensees shall consider including training regarding the characteristics and method of assessment and treatment of acquired immune deficiency syndrome (AIDS) in any continuing education or training requirements for those licensees: chiropractors, medical laboratory technicians, dentists, dental hygienists, dental assistants, physicians and surgeons, podiatrists, registered nurses, licensed vocational nurses, psychologists, physician assistants, respiratory

therapists, acupuncturists, marriage and family therapists, licensed educational psychologists, clinical social workers, and professional clinical counselors.

§114.3. WAIVER OF RENEWAL REQUIREMENTS: ACTIVE MILITARY

(a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

§114.5. MILITARY SERVICE; INQUIRY ON APPLICATIONS

(a) Each board shall inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

(b) If a board's governing law authorizes veterans to apply military experience and training towards licensure requirements, that board shall post information on the board's Internet Web site about the ability of veteran applicants to apply military experience and training towards licensure requirements.

§115.4. EXPEDITED LICENSURE: SERVICE IN THE MILITARY

(a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.

(b) A board may adopt regulations necessary to administer this section.

§115.5. EXPEDITED LICENSURE: SPOUSES OF ACTIVE MILITARY MEMBERS

(a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which he or she seeks a license from the board.

(b) A board may adopt regulations necessary to administer this section.

§125.3. INVESTIGATIVE AND ENFORCEMENT COSTS; PAYMENT BY LICENSEE

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licentiate to pay costs.

- (f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.
- (g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.
- (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.
- (h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.
- (i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.
- (j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.
- (k) Notwithstanding the provisions of this section, the Medical Board of California shall not request nor obtain from a physician and surgeon, investigation and prosecution costs for a disciplinary proceeding against the licensee. The board shall ensure that this subdivision is revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from this subdivision is offset by an increase in the amount of the initial license fee and the biennial renewal fee, as provided in subdivision (e) of Section 2435.

§125.6 REFUSAL TO PERFORM LICENSED ACTIVITIES; DISCRIMINATION OR RESTRICTION IN PERFORMANCE

- (a) (1) With regard to an applicant, every person who holds a license under the provisions of this code is subject to disciplinary action under the disciplinary provisions of this code applicable to that person if, because of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code, he or she refuses to perform the licensed activity or aids or incites the refusal to perform that licensed activity by another licensee, or if, because of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code, he or she makes any discrimination, or restriction in the performance of the licensed activity.
- (2) Nothing in this section shall be interpreted to prevent a physician or health care professional licensed pursuant to Division 2 (commencing with Section 500) from considering any of the characteristics of a patient listed in subdivision (b) or (e) of Section 51 of the Civil Code if that consideration is medically necessary and for the sole purpose of determining the appropriate diagnosis or treatment of the patient.
- (3) Nothing in this section shall be interpreted to apply to discrimination by employers with regard to employees or prospective employees, nor shall this section authorize action against any club license issued pursuant to Article 4 (commencing with Section 23425) of Chapter 3 of Division 9 because of discriminatory membership policy.
- (4) The presence of architectural barriers to an individual with physical disabilities that conform to applicable state or local building codes and regulations shall not constitute discrimination under this section.
- (b) (1) Nothing in this section requires a person licensed pursuant to Division 2 (commencing with Section 500) to permit an individual to participate in, or benefit from, the licensed activity of the licensee where that individual poses a direct threat to the health or safety of others. For this purpose, the term "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids and services.
- (2) Nothing in this section requires a person licensed pursuant to Division 2 (commencing with Section 500) to perform a licensed activity for which he or she is not qualified to perform.

(c) (1) "Applicant," as used in this section, means a person applying for licensed services provided by a person licensed under this code.

(2) "License," as used in this section, includes "certificate," "permit," "authority," and "registration" or any other indicia giving authorization to engage in a business or profession regulated by this code.

§125.9. ISSUANCE OF CITATIONS; FINES

(a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

§129. HANDLING OF COMPLAINTS; CHILD CUSTODY EVALUATIONS

(a) As used in this section, “board” means every board, bureau, commission, committee, and similarly constituted agency in the department that issues licenses.

(b) Each board shall, upon receipt of any complaint respecting an individual licensed by the board, notify the complainant of the initial administrative action taken on his or her complaint within 10 days of receipt. Each board shall notify the complainant of the final action taken on his or her complaint. There shall be a notification made in every case in which the complainant is known. If the complaint is not within the jurisdiction of the board or if the board is unable to dispose satisfactorily of the complaint, the board shall transmit the complaint together with any evidence or information it has concerning the complaint to the agency, public or private, whose authority in the opinion of the board will provide the most effective means to secure the relief sought. The board shall notify the complainant of this action and of any other means that may be available to the complainant to secure relief.

(c) The board shall, when the board deems it appropriate, notify the person against whom the complaint is made of the nature of the complaint, may request appropriate relief for the complainant, and may meet and confer with the complainant and the licensee in order to mediate the complaint. Nothing in this subdivision shall be construed as authorizing or requiring any board to set or to modify any fee charged by a licensee.

(d) It shall be the continuing duty of the board to ascertain patterns of complaints and to report on all actions taken with respect to those patterns of complaints to the director and to the Legislature at least once per year. The board shall evaluate those complaints dismissed for lack of jurisdiction or no violation and recommend to the director and to the Legislature at least once per year the statutory changes it deems necessary to implement the board’s functions and responsibilities under this section.

(e) It shall be the continuing duty of the board to take whatever action it deems necessary, with the approval of the director, to inform the public of its functions under this section.

(f) Notwithstanding any other law, upon receipt of a child custody evaluation report submitted to a court pursuant to Chapter 6 (commencing with Section 3110) of Part 2 of Division 8 of the Family Code, the board shall notify the noncomplaining party in the underlying custody dispute, who is a subject of that report, of the pending investigation.

§143.5. CIVIL DISPUTE SETTLEMENTS; PROHIBITED PROVISIONS

(a) No licensee who is regulated by a board, bureau, or program within the Department of Consumer Affairs, nor an entity or person acting as an authorized agent of a licensee, shall include or permit to be included a

provision in an agreement to settle a civil dispute, whether the agreement is made before or after the commencement of a civil action, that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee or that requires the other party to withdraw a complaint from the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee. A provision of that nature is void as against public policy, and any licensee who includes or permits to be included a provision of that nature in a settlement agreement is subject to disciplinary action by the board, bureau, or program.

(b) Any board, bureau, or program within the Department of Consumer Affairs that takes disciplinary action against a licensee or licensees based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee or licensees to pay any additional sums to the benefit of any plaintiff in the civil action.

(c) As used in this section, “board” shall have the same meaning as defined in Section 22, and “licensee” means a person who has been granted a license, as that term is defined in Section 23.7.

(d) Notwithstanding any other law, upon granting a petition filed by a licensee or authorized agent of a licensee pursuant to Section 11340.6 of the Government Code, a board, bureau, or program within the Department of Consumer Affairs may, based upon evidence and legal authorities cited in the petition, adopt a regulation that does both of the following:

(1) Identifies a code section or jury instruction in a civil cause of action that has no relevance to the board’s, bureau’s, or program’s enforcement responsibilities such that an agreement to settle such a cause of action based on that code section or jury instruction otherwise prohibited under subdivision (a) will not impair the board’s, bureau’s, or program’s duty to protect the public.

(2) Exempts agreements to settle such a cause of action from the requirements of subdivision (a).

(e) This section shall not apply to a licensee subject to Section 2220.7.

§144.5. BOARD RECEIPT OF CERTIFIED RECORDS FOR INVESTIGATION

Notwithstanding any other law, a board described in Section 144 may request, and is authorized to receive, from a local or state agency certified records of all arrests and convictions, certified records regarding probation, and any and all other related documentation needed to complete an applicant or licensee investigation. A local or state agency may provide those records to the board upon request.

§315.2. CEASE PRACTICE ORDERS; POSITIVE TEST FOR PROHIBITED SUBSTANCE

(a) A board, as described in Section 315, shall order a licensee of the board to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee’s probation or diversion program.

(b) An order to cease practice under this section shall not be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A cease practice order under this section shall not constitute disciplinary action.

(d) This section shall have no effect on the Board of Registered Nursing pursuant to Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2.

§315.4. CEASE PRACTICE ORDERS; BOARD AUTHORITY

(a) A board, as described in Section 315, may adopt regulations authorizing the board to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to the uniform and specific standards adopted and authorized under Section 315.

(b) An order to cease practice under this section shall not be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A cease practice order under this section shall not constitute disciplinary action.

(d) This section shall have no effect on the Board of Registered Nursing pursuant to Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2.

§337. INFORMATION BROCHURE FOR VICTIMS OF PSYCHOTHERAPIST - PATIENT SEXUAL CONTACT; CONTENTS

(a) The department shall prepare and disseminate an informational brochure for victims of psychotherapist-patient sexual contact and advocates for those victims. This brochure shall be developed by the department in consultation with members of the Sexual Assault Program of the Office of Criminal Justice Planning and the office of the Attorney General.

(b) The brochure shall include, but is not limited to, the following:

- (1) A legal and an informal definition of psychotherapist-patient sexual contact.
- (2) A brief description of common personal reactions and histories of victims and victim's families.
- (3) A patient's bill of rights.
- (4) Options for reporting psychotherapist-patient sexual relations and instructions for each reporting option.
- (5) A full description of administrative, civil, and professional associations complaint procedures.
- (6) A description of services available for support of victims.

(c) The brochure shall be provided to each individual contacting the Medical Board of California and affiliated health boards or the Board of Behavioral Sciences regarding a complaint involving psychotherapist-patient sexual relations.

§464. ESTABLISHMENT OF A RETIRED LICENSE; INVESTIGATION OF PERSONS WITH LICENSES THAT ARE INACTIVE OR RESTRICTED

(a) Any of the boards within the department may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of their profession or vocation.

(b) The regulation shall contain the following:

(1) A retired license shall be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

(2) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required, unless the board, by regulation, specifies the criteria for a retired licensee to practice his or her profession or vocation.

(3) The holder of a retired license shall not be required to renew that license.

(4) The board shall establish an appropriate application fee for a retired license to cover the reasonable regulatory cost of issuing a retired license.

(5) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:

(A) Pay a fee established by statute or regulation.

(B) Certify, in a manner satisfactory to the board, that he or she has not committed an act or crime constituting grounds for denial of licensure.

(C) Comply with the fingerprint submission requirements established by regulation.

(D) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the board.

(E) Complete any other requirements as specified by the board by regulation.

(c) A board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.

(d) Subdivisions (a) and (b) shall not apply to a board that has other statutory authority to establish a retired license.

§480. GROUNDS FOR DENIAL OF LICENSURE

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

§480.5. APPLICATION FOR LICENSURE: INCARCERATION

(a) An individual who has satisfied any of the requirements needed to obtain a license regulated under this division while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing his or her application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

(b) Nothing in this section shall be construed to apply to a petition for reinstatement of a license or to limit the ability of a board to deny a license pursuant to Section 480.

(c) This section shall not apply to the licensure of individuals under the initiative act referred to in Chapter 2 (commencing with Section 1000) of Division 2.

§485. PROCEDURE BY BOARD UPON DENIAL OF APPLICATION FOR LICENSE

Upon denial of an application for a license under this chapter or Section 496, the board shall do either of the following:

(a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions,

or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his or her application or otherwise. Service by mail is complete on the date of mailing.

§490. BOARD DISCIPLINARY ACTION; GROUNDS FOR LICENSE SUSPENSION OR REVOCATION

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that a board is permitted to take following the establishment of a conviction may be taken 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.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

§651. PUBLIC COMMUNICATION CONTAINING FALSE, FRAUDULENT, MISLEADING, OR DECEPTIVE STATEMENT, CLAIM, OR IMAGE; ADVERTISEMENTS; PENALTY

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A "public communication" as used in this section includes, but is not limited to, communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication.

(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:

(1) Contains a misrepresentation of fact.

(2) Is likely to mislead or deceive because of a failure to disclose material facts.

(3) (A) Is intended or is likely to create false or unjustified expectations of favorable results, including the use of any photograph or other image that does not accurately depict the results of the procedure being advertised or that has been altered in any manner from the image of the actual subject depicted in the photograph or image.

(B) Use of any photograph or other image of a model without clearly stating in a prominent location in easily

readable type the fact that the photograph or image is of a model is a violation of subdivision (a). For purposes of this paragraph, a model is anyone other than an actual patient, who has undergone the procedure being advertised, of the licensee who is advertising for his or her services.

(C) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents “before” and “after” views of a patient, without specifying in a prominent location in easily readable type size what procedures were performed on that patient is a violation of subdivision (a). Any “before” and “after” views (i) shall be comparable in presentation so that the results are not distorted by favorable poses, lighting, or other features of presentation, and (ii) shall contain a statement that the same “before” and “after” results may not occur for all patients.

(4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.

(5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) Makes a claim either of professional superiority or of performing services in a superior manner, unless that claim is relevant to the service being performed and can be substantiated with objective scientific evidence.

(7) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies.

(8) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.

(c) Any price advertisement shall be exact, without the use of phrases, including, but not limited to, “as low as,” “and up,” “lowest prices,” or words or phrases of similar import. Any advertisement that refers to services, or costs for services, and that uses words of comparison shall be based on verifiable data substantiating the comparison. Any person so advertising shall be prepared to provide information sufficient to establish the accuracy of that comparison. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discount, premiums, gifts, or any statements of a similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.

(d) Any person so licensed shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity unless the fact of compensation is made known in that publicity.

(e) Any person so licensed may not use any professional card, professional announcement card, office sign, letterhead, telephone directory listing, medical list, medical directory listing, or a similar professional notice or device if it includes a statement or claim that is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).

(f) Any person so licensed who violates this section is guilty of a misdemeanor. A bona fide mistake of fact shall be a defense to this subdivision, but only to this subdivision.

(g) Any violation of this section by a person so licensed shall constitute good cause for revocation or suspension of his or her license or other disciplinary action.

(h) Advertising by any person so licensed may include the following:

(1) A statement of the name of the practitioner.

(2) A statement of addresses and telephone numbers of the offices maintained by the practitioner.

(3) A statement of office hours regularly maintained by the practitioner.

(4) A statement of languages, other than English, fluently spoken by the practitioner or a person in the practitioner's office.

(5) (A) A statement that the practitioner is certified by a private or public board or agency or a statement that the practitioner limits his or her practice to specific fields.

(B) A statement of certification by a practitioner licensed under Chapter 7 (commencing with Section 3000) shall only include a statement that he or she is certified or eligible for certification by a private or public board or parent association recognized by that practitioner's licensing board.

(C) A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California may include a statement that he or she limits his or her practice to specific fields, but shall not include a statement that he or she is certified or eligible for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, unless that board or association is (i) an American Board of Medical Specialties member board, (ii) a board or association with equivalent requirements approved by that physician and surgeon's licensing board, or (iii) a board or association with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in that specialty or subspecialty. A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term "board certified" in reference to that certification, unless the physician and surgeon is also licensed under Chapter 4 (commencing with Section 1600) and the use of the term "board certified" in reference to that certification is in accordance with subparagraph (A). A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by a board or association referred to in clause (i), (ii), or (iii) shall not use the term "board certified" unless the full name of the certifying board is also used and given comparable prominence with the term "board certified" in the statement.

For purposes of this subparagraph, a "multidisciplinary board or association" means an educational certifying body that has a psychometrically valid testing process, as determined by the Medical Board of California, for certifying medical doctors and other health care professionals that is based on the applicant's education, training, and experience.

For purposes of the term "board certified," as used in this subparagraph, the terms "board" and "association" mean an organization that is an American Board of Medical Specialties member board, an organization with equivalent requirements approved by a physician and surgeon's licensing board, or an organization with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in a specialty or subspecialty.

The Medical Board of California shall adopt regulations to establish and collect a reasonable fee from each board or association applying for recognition pursuant to this subparagraph. The fee shall not exceed the cost of administering this subparagraph. Notwithstanding Section 2 of Chapter 1660 of the Statutes of 1990, this subparagraph shall become operative July 1, 1993. However, an administrative agency or accrediting organization may take any action contemplated by this subparagraph relating to the establishment or approval of specialist requirements on and after January 1, 1991.

(D) A doctor of podiatric medicine licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California may include a statement that he or she is certified or eligible or qualified for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, if that board or association meets one of the following requirements:

(i) is approved by the Council on Podiatric Medical Education,

(ii) is a board or association with equivalent requirements approved by the California Board of Podiatric Medicine, or

(iii) is a board or association with the Council on Podiatric Medical Education approved postgraduate training programs that provide training in podiatric medicine and podiatric surgery. A doctor of podiatric medicine licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” unless the full name of the certifying board is also used and given comparable prominence with the term “board certified” in the statement. A doctor of podiatric medicine licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” in reference to that certification.

For purposes of this subparagraph, a “multidisciplinary board or association” means an educational certifying body that has a psychometrically valid testing process, as determined by the California Board of Podiatric Medicine, for certifying doctors of podiatric medicine that is based on the applicant’s education, training, and experience. For purposes of the term “board certified,” as used in this subparagraph, the terms “board” and “association” mean an organization that is a Council on Podiatric Medical Education approved board, an organization with equivalent requirements approved by the California Board of Podiatric Medicine, or an organization with a Council on Podiatric Medical Education approved postgraduate training program that provides training in podiatric medicine and podiatric surgery.

The California Board of Podiatric Medicine shall adopt regulations to establish and collect a reasonable fee from each board or association applying for recognition pursuant to this subparagraph, to be deposited in the State Treasury in the Podiatry Fund, pursuant to Section 2499. The fee shall not exceed the cost of administering this subparagraph.

(6) A statement that the practitioner provides services under a specified private or public insurance plan or health care plan.

(7) A statement of names of schools and postgraduate clinical training programs from which the practitioner has graduated, together with the degrees received.

(8) A statement of publications authored by the practitioner.

(9) A statement of teaching positions currently or formerly held by the practitioner, together with pertinent dates.

(10) A statement of his or her affiliations with hospitals or clinics.

(11) A statement of the charges or fees for services or commodities offered by the practitioner.

(12) A statement that the practitioner regularly accepts installment payments of fees.

(13) Otherwise lawful images of a practitioner, his or her physical facilities, or of a commodity to be advertised.

(14) A statement of the manufacturer, designer, style, make, trade name, brand name, color, size, or type of commodities advertised.

(15) An advertisement of a registered dispensing optician may include statements in addition to those specified in paragraphs (1) to (14), inclusive, provided that any statement shall not violate subdivision (a), (b), (c), or (e) or any other section of this code.

(16) A statement, or statements, providing public health information encouraging preventative or corrective care.

(17) Any other item of factual information that is not false, fraudulent, misleading, or likely to deceive.

(i) Each of the healing arts boards and examining committees within Division 2 shall adopt appropriate regulations to enforce this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Each of the healing arts boards and committees and examining committees within Division 2 shall, by regulation, define those efficacious services to be advertised by businesses or professions under their jurisdiction for the purpose of determining whether advertisements are false or misleading. Until a definition for that service has been issued, no advertisement for that service shall be disseminated. However, if a definition of a service has not been issued by a board or committee within 120 days of receipt of a request from a licensee, all those holding the license may advertise the service. Those boards and committees shall adopt or modify regulations defining what services may be advertised, the manner in which defined services may be advertised, and restricting advertising that would promote the inappropriate or excessive use of health services or commodities. A board or committee shall not, by regulation, unreasonably prevent truthful, nondeceptive price or otherwise lawful forms of advertising of services or commodities, by either outright prohibition or imposition of onerous disclosure requirements. However, any member of a board or committee acting in good faith in the adoption or enforcement of any regulation shall be deemed to be acting as an agent of the state.

(j) The Attorney General shall commence legal proceedings in the appropriate forum to enjoin advertisements disseminated or about to be disseminated in violation of this section and seek other appropriate relief to enforce this section. Notwithstanding any other provision of law, the costs of enforcing this section to the respective licensing boards or committees may be awarded against any licensee found to be in violation of any provision of this section. This shall not diminish the power of district attorneys, county counsels, or city attorneys pursuant to existing law to seek appropriate relief.

(k) A physician and surgeon or doctor of podiatric medicine licensed pursuant to Chapter 5 (commencing with Section 2000) by the Medical Board of California who knowingly and intentionally violates this section may be cited and assessed an administrative fine not to exceed ten thousand dollars (\$10,000) per event. Section 125.9 shall govern the issuance of this citation and fine except that the fine limitations prescribed in paragraph (3) of subdivision (b) of Section 125.9 shall not apply to a fine under this subdivision.

§683. REPORTING NAME AND LICENSE NUMBER OF LICENSEE PROHIBITED FROM PRACTICING

(a) A board shall report, within 10 working days, to the State Department of Health Care Services the name and license number of a person whose license has been revoked, suspended, surrendered, made inactive by the licensee, or placed in another category that prohibits the licensee from practicing his or her profession. The purpose of the reporting requirement is to prevent reimbursement by the state for Medi-Cal and Denti-Cal services provided after the cancellation of a provider's professional license.

(b) "Board," as used in this section, means the Dental Board of California, the Medical Board of California, the Board of Psychology, the State Board of Optometry, the California State Board of Pharmacy, the Osteopathic Medical Board of California, the State Board of Chiropractic Examiners, the Board of Behavioral Sciences, and the California Board of Occupational Therapy.

(c) This section shall become operative on January 1, 2015.

§726. SEXUAL ABUSE, MISCONDUCT, OR RELATIONS WITH A PATIENT

(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division or under any initiative act referred to in this division.

(b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

§727. EVIDENCE

The provisions of subdivision (2) of Section 1103 of the Evidence Code shall apply in disciplinary proceedings brought against a licensee for acts in violation of Section 726.

§728. PRIOR SEXUAL CONTACT BETWEEN PSYCHOTHERAPIST AND PATIENT; PSYCHOTHERAPIST OR EMPLOYER PROVIDING AND DISCUSSING BROCHURE; FAILURE TO COMPLY WITH SECTION; DEFINITIONS

(a) Any psychotherapist or employer of a psychotherapist who becomes aware through a patient that the patient had alleged sexual intercourse or alleged sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the patient a brochure promulgated by the department that delineates the rights of, and remedies for, patients who have been involved sexually with their psychotherapists. Further, the psychotherapist or employer shall discuss with the patient the brochure prepared by the department.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

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

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

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

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

§729. SEXUAL EXPLOITATION BY PHYSICIANS, SURGEONS, PSYCHOTHERAPISTS, OR ALCOHOL AND DRUG ABUSE COUNSELORS

(a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in those acts, unless the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor has

referred the patient or client to an independent and objective physician and surgeon, psychotherapist, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.

(b) Sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor is a public offense:

(1) An act in violation of subdivision (a) shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Multiple acts in violation of subdivision (a) with a single victim, when the offender has no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(3) An act or acts in violation of subdivision (a) with two or more victims shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(4) Two or more acts in violation of subdivision (a) with a single victim, when the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(5) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000). For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

(c) For purposes of this section:

(1) "Psychotherapist" has the same meaning as defined in Section 728.

(2) "Alcohol and drug abuse counselor" means an individual who holds himself or herself out to be an alcohol or drug abuse professional or paraprofessional.

(3) "Sexual contact" means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

(4) "Intimate part" and "touching" have the same meanings as defined in Section 243.4 of the Penal Code.

(d) In the investigation and prosecution of a violation of this section, no person shall seek to obtain disclosure of any confidential files of other patients, clients, or former patients or clients of the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.

(e) This section does not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment,

other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

(f) If a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in a professional partnership or similar group has sexual contact with a patient in violation of this section, another physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in the partnership or group shall not be subject to action under this section solely because of the occurrence of that sexual contact.

§820. EXAMINATION; REPORT

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

§865. DEFINITION OF SEXUAL ORIENTATION CHANGE EFFORTS

For the purposes of this article, the following terms shall have the following meanings:

(a) "Mental health provider" means a physician and surgeon specializing in the practice of psychiatry, a psychologist, a psychological assistant, intern, or trainee, a licensed marriage and family therapist, a registered marriage and family therapist, intern, or trainee, a licensed educational psychologist, a credentialed school psychologist, a licensed clinical social worker, an associate clinical social worker, a licensed professional clinical counselor, a registered clinical counselor, intern, or trainee, or any other person designated as a mental health professional under California law or regulation.

(b) (1) "Sexual orientation change efforts" means any practices by mental health providers that seek to change an individual's sexual orientation. This includes efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.

(2) "Sexual orientation change efforts" does not include psychotherapies that: (A) provide acceptance, support, and understanding of clients or the facilitation of clients' coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and (B) do not seek to change sexual orientation.

§865.1. SEXUAL ORIENTATION CHANGE EFFORTS: PROHIBITIONS

Under no circumstances shall a mental health provider engage in sexual orientation change efforts with a patient under 18 years of age.

§865.2. SEXUAL ORIENTATION CHANGE EFFORTS: DISCIPLINARY ACTION

Any sexual orientation change efforts attempted on a patient under 18 years of age by a mental health provider shall be considered unprofessional conduct and shall subject a mental health provider to discipline by the licensing entity for that mental health provider.

§2290.5. TELEHEALTH; CONSENT REQUIREMENTS; EFFECT OF NONCOMPLIANCE ON HEALTH PRACTITIONER

(a) For purposes of this division, the following definitions shall apply:

(1) “Asynchronous store and forward” means the transmission of a patient’s medical information from an originating site to the health care provider at a distant site without the presence of the patient.

(2) “Distant site” means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) “Health care provider” means either of the following:

(A) A person who is licensed under this division.

(B) A marriage and family therapist intern or trainee functioning pursuant to Section 4980.43.

(4) “Originating site” means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.

(5) “Synchronous interaction” means a real-time interaction between a patient and a health care provider located at a distant site.

(6) “Telehealth” means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care while the patient is at the originating site and the health care provider is at a distant site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Prior to the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.

(c) Nothing in this section shall preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.

(d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of health care information and a patient’s rights to his or her medical information shall apply to telehealth interactions.

(g) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(h) (1) Notwithstanding any other provision of law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).

(3) For the purposes of this subdivision, “telehealth” shall include “telemedicine” as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

CALIFORNIA PENAL CODE

§11166. CHILD ABUSE AND NEGLECT REPORTING; DUTY; TIME

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the State Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a

report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of his or her professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or materials are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written

followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. An internal policy shall not direct an employee to allow his or her supervisor to file or process a mandated report under any circumstances.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) (1) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions

Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child that relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(2) A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.

(3) When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

CALIFORNIA HEALTH AND SAFETY CODE

§123110. INSPECTION AND COPYING; VERIFICATION OF IDENTITY; RETENTION AND QUALITY OF RECORDS; LIABILITY FOR DISCLOSURE; VIOLATIONS; PENALTIES

(a) Notwithstanding Section 5328 of the Welfare and Institutions Code, and except as provided in Sections 123115 and 123120, any adult patient of a health care provider, any minor patient authorized by law to consent to medical treatment, and any patient representative shall be entitled to inspect patient records upon presenting to the health care provider a written request for those records and upon payment of reasonable clerical costs incurred in locating and making the records available. However, a patient who is a minor shall be entitled to inspect patient records pertaining only to health care of a type for which the minor is lawfully authorized to consent. A health care provider shall permit this inspection during business hours within five working days after receipt of the written request. The inspection shall be conducted by the patient or patient's representative requesting the inspection, who may be accompanied by one other person of his or her choosing.

(b) Additionally, any patient or patient's representative shall be entitled to copies of all or any portion of the patient records that he or she has a right to inspect, upon presenting a written request to the health care provider specifying the records to be copied, together with a fee to defray the cost of copying, that shall not exceed twenty-five cents (\$0.25) per page or fifty cents (\$0.50) per page for records that are copied from microfilm and any additional reasonable clerical costs incurred in making the records available. The health care provider shall ensure that the copies are transmitted within 15 days after receiving the written request.

(c) Copies of X-rays or tracings derived from electrocardiography, electroencephalography, or electromyography need not be provided to the patient or patient's representative under this section, if the original X-rays or tracings are transmitted to another health care provider upon written request of the patient or patient's representative and within 15 days after receipt of the request. The request shall specify the name and address of the health care provider to whom the records are to be delivered. All reasonable costs, not exceeding actual costs, incurred by a health care provider in providing copies pursuant to this subdivision may be charged to the patient or representative requesting the copies.

(d) (1) Notwithstanding any provision of this section, and except as provided in Sections 123115 and 123120, any patient or former patient or the patient's representative shall be entitled to a copy, at no charge, of the relevant portion of the patient's records, upon presenting to the provider a written request, and proof that the records are needed to support an appeal regarding eligibility for a public benefit program. These programs shall be the Medi-Cal program, social security disability insurance benefits, and Supplemental Security Income/State Supplementary Program for the Aged, Blind and Disabled (SSI/SSP) benefits. For purposes of this subdivision, "relevant portion of the patient's records" means those records regarding services rendered to the patient during the time period beginning with the date of the patient's initial application for public benefits up to and including the date that a final determination is made by the public benefits program with which the patient's application is pending.

(2) Although a patient shall not be limited to a single request, the patient or patient's representative shall be entitled to no more than one copy of any relevant portion of his or her record free of charge.

(3) This subdivision shall not apply to any patient who is represented by a private attorney who is paying for the costs related to the patient's appeal, pending the outcome of that appeal. For purposes of this subdivision, "private attorney" means any attorney not employed by a nonprofit legal services entity.

(e) If the patient's appeal regarding eligibility for a public benefit program specified in subdivision (d) is successful, the hospital or other health care provider may bill the patient, at the rates specified in subdivisions (b) and (c), for the copies of the medical records previously provided free of charge.

(f) If a patient or his or her representative requests a record pursuant to subdivision (d), the health care provider shall ensure that the copies are transmitted within 30 days after receiving the written request.

(g) This section shall not be construed to preclude a health care provider from requiring reasonable verification of identity prior to permitting inspection or copying of patient records, provided this requirement is not used oppressively or discriminatorily to frustrate or delay compliance with this section. Nothing in this chapter shall be deemed to supersede any rights that a patient or representative might otherwise have or exercise under Section 1158 of the Evidence Code or any other provision of law. Nothing in this chapter shall require a health care provider to retain records longer than required by applicable statutes or administrative regulations.

(h) This chapter shall not be construed to render a health care provider liable for the quality of his or her records or the copies provided in excess of existing law and regulations with respect to the quality of medical records. A health care provider shall not be liable to the patient or any other person for any consequences that result from disclosure of patient records as required by this chapter. A health care provider shall not discriminate against classes or categories of providers in the transmittal of X-rays or other patient records, or copies of these X-rays or records, to other providers as authorized by this section.

Every health care provider shall adopt policies and establish procedures for the uniform transmittal of X-rays and other patient records that effectively prevent the discrimination described in this subdivision. A health care provider may establish reasonable conditions, including a reasonable deposit fee, to ensure the return of original X-rays transmitted to another health care provider, provided the conditions do not discriminate on the basis of, or in a manner related to, the license of the provider to which the X-rays are transmitted.

(i) Any health care provider described in paragraphs (4) to (10), inclusive, of subdivision (a) of Section 123105 who willfully violates this chapter is guilty of unprofessional conduct. Any health care provider described in paragraphs (1) to (3), inclusive, of subdivision (a) of Section 123105 that willfully violates this chapter is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100). The state agency, board, or commission that issued the health care provider's professional or institutional license shall consider a violation as grounds for disciplinary action with respect to the licensure, including suspension or revocation of the license or certificate.

(j) This section shall be construed as prohibiting a health care provider from withholding patient records or summaries of patient records because of an unpaid bill for health care services. Any health care provider who willfully withholds patient records or summaries of patient records because of an unpaid bill for health care services shall be subject to the sanctions specified in subdivision (i).

§124260. MENTAL HEALTH SERVICES FOR MINORS

(a) As used in this section:

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

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

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

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

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

- (D) A credentialed school psychologist, as described in Section 49424 of the Education Code.
- (E) A clinical psychologist licensed under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.
- (F) Any of the following persons, while working under the supervision of a licensed professional specified in Section 2902 of the Business and Professions Code:
- (i) A registered psychologist, as defined in Section 2909.5 of the Business and Professions Code.
 - (ii) A registered psychological assistant, as defined in Section 2913 of the Business and Professions Code.
 - (iii) A psychology trainee, as defined in Section 1387 of Title 16 of the California Code of Regulations.
- (G) A licensed clinical social worker, as defined in Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code.
- (H) An associate clinical social worker, or a social work intern, as defined in Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in paragraph (1) of subdivision (a) of Section 4996.23 of the Business and Professions Code.
- (I) A person registered as a marriage and family therapist intern, or a marriage and family therapist trainee, as defined in Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in subdivision (g) of Section 4980.03 of the Business and Professions Code.
- (J) A board certified, or board eligible, psychiatrist.
- (K) A licensed professional clinical counselor, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.
- (L) A person registered as a clinical counselor intern, or a clinical counselor trainee, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in subdivision (h) of Section 4999.12 of the Business and Professions Code.
- (b) (1) Notwithstanding any provision of law to the contrary, a minor who is 12 years of age or older may consent to mental health treatment or counseling services if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently in the mental health treatment or counseling services.
- (2) A marriage and family therapist trainee, a clinical counselor trainee, a psychology trainee, or a social work intern, as specified in paragraph (2) of subdivision (a), shall notify his or her supervisor or, if the supervisor is unavailable, an on-call supervisor at the site where the trainee or intern volunteers or is employed within 24 hours of treating or counseling a minor pursuant to paragraph (1). If upon the initial assessment of the minor the trainee or intern believes that the minor is a danger to self or to others, the trainee or intern shall notify the supervisor or, if the supervisor is unavailable, the on-call supervisor immediately after the treatment or counseling session.
- (3) Nothing in paragraph (2) is intended to supplant, alter, expand, or remove any other reporting responsibilities required of trainees or interns under law.
- (c) Notwithstanding any provision of law to the contrary, the mental health treatment or counseling of a minor authorized by this section shall include involvement of the minor's parent or guardian, unless the professional person who is treating or counseling the minor, after consulting with the minor, determines that the involvement would be inappropriate. The professional person who is treating or counseling the minor shall state in the client record whether and when the person attempted to contact the minor's parent or guardian, and whether the

attempt to contact was successful or unsuccessful, or the reason why, in the professional person's opinion, it would be inappropriate to contact the minor's parent or guardian.

(d) The minor's parent or guardian is not liable for payment for mental health treatment or counseling services provided pursuant to this section unless the parent or guardian participates in the mental health treatment or counseling, and then only for services rendered with the participation of the parent or guardian.

(e) This section does not authorize a minor to receive convulsive treatment or psychosurgery, as defined in subdivisions (f) and (g) of Section 5325 of the Welfare and Institutions Code, or psychotropic drugs without the consent of the minor's parent or guardian.

CALIFORNIA WELFARE AND INSTITUTIONS CODE

§14029.8. MENTAL HEALTH SERVICES FOR MINORS; MEDI-CAL

Section 124260 of the Health and Safety Code shall not apply to the receipt of benefits under the Medi-Cal program.

§15630. ELDER ABUSE REPORTING

(a) Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

(b) (1) Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone or through a confidential Internet reporting tool, as authorized by Section 15658, immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an Internet report shall be made through the confidential Internet reporting tool established in Section 15658, within two working days.

(A) If the suspected or alleged abuse is physical abuse, as defined in Section 15610.63, and the abuse occurred in a long-term care facility, except a state mental health hospital or a state developmental center, the following shall occur:

(i) If the suspected abuse results in serious bodily injury, a telephone report shall be made to the local law enforcement agency immediately, but also no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse, and a written report shall be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

(ii) If the suspected abuse does not result in serious bodily injury, a telephone report shall be made to the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse, and a written report shall be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

(iii) When the suspected abuse is allegedly caused by a resident with a physician's diagnosis of dementia, and there is no serious bodily injury, as reasonably determined by the mandated reporter, drawing upon his or her training or experience, the reporter shall report to the local ombudsman or law enforcement agency by telephone, immediately or as soon as practicably possible, and by written report, within 24 hours.

(iv) When applicable, reports made pursuant to clauses (i) and (ii) shall be deemed to satisfy the reporting requirements of the federal Elder Justice Act of 2009, as set out in Subtitle H of the federal Patient Protection and Affordable Care Act (Public Law 111-148), Section 1418.91 of the Health and Safety Code, and Section

72541 of Title 22 of California Code of Regulations. When a local law enforcement agency receives an initial report of suspected abuse in a long-term care facility pursuant to this subparagraph, the local law enforcement agency may coordinate efforts with the local ombudsman to provide the most immediate and appropriate response warranted to investigate the mandated report. The local ombudsman and local law enforcement agencies may collaborate to develop protocols to implement this subparagraph.

(B) Notwithstanding the rulemaking provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, or any other law, the department may implement subparagraph (A), in whole or in part, by means of all-county letters, provider bulletins, or other similar instructions without taking regulatory action.

(C) If the suspected or alleged abuse is abuse other than physical abuse, and the abuse occurred in a long-term care facility, except a state mental health hospital or a state developmental center, a telephone report and a written report shall be made to the local ombudsman or the local law enforcement agency.

(D) With regard to abuse reported pursuant to subparagraph (C), the local ombudsman and the local law enforcement agency shall, as soon as practicable, except in the case of an emergency or pursuant to a report required to be made pursuant to clause (v), in which case these actions shall be taken immediately, do all of the following:

(i) Report to the State Department of Public Health any case of known or suspected abuse occurring in a long-term health care facility, as defined in subdivision (a) of Section 1418 of the Health and Safety Code.

(ii) Report to the State Department of Social Services any case of known or suspected abuse occurring in a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or in an adult day program, as defined in paragraph (2) of subdivision (a) of Section 1502 of the Health and Safety Code.

(iii) Report to the State Department of Public Health and the California Department of Aging any case of known or suspected abuse occurring in an adult day health care center, as defined in subdivision (b) of Section 1570.7 of the Health and Safety Code.

(iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse any case of known or suspected criminal activity.

(v) Report all cases of known or suspected physical abuse and financial abuse to the local district attorney's office in the county where the abuse occurred.

(E) (i) If the suspected or alleged abuse or neglect occurred in a state mental hospital or a state developmental center, and the suspected or alleged abuse or neglect resulted in any of the following incidents, a report shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, and also to the local law enforcement agency:

(I) A death.

(II) A sexual assault, as defined in Section 15610.63.

(III) An assault with a deadly weapon, as described in Section 245 of the Penal Code, by a nonresident of the state mental hospital or state developmental center.

(IV) An assault with force likely to produce great bodily injury, as described in Section 245 of the Penal Code.

(V) An injury to the genitals when the cause of the injury is undetermined.

(VI) A broken bone when the cause of the break is undetermined.

(ii) All other reports of suspected or alleged abuse or neglect that occurred in a state mental hospital or a state developmental center shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, or to the local law enforcement agency.

(iii) When a local law enforcement agency receives an initial report of suspected or alleged abuse or neglect in a state mental hospital or a state developmental center pursuant to clause (i), the local law enforcement agency shall coordinate efforts with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services to provide the most immediate and appropriate response warranted to investigate the mandated report. The designated investigators of the State Department of State Hospitals or the State Department of Developmental Services and local law enforcement agencies may collaborate to develop protocols to implement this clause.

(iv) Except in an emergency, the local law enforcement agency shall, as soon as practicable, report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse.

(v) Notwithstanding any other law, a mandated reporter who is required to report pursuant to Section 4427.5 shall not be required to report under clause (i).

(F) If the abuse has occurred in any place other than a long-term care facility, a state mental hospital, or a state developmental center, the report shall be made to the adult protective services agency or the local law enforcement agency.

(2) (A) A mandated reporter who is a clergy member who acquires knowledge or reasonable suspicion of elder or dependent adult abuse during a penitential communication is not subject to paragraph (1). For purposes of this subdivision, "penitential communication" means a communication that is intended to be in confidence, including, but not limited to, a sacramental confession made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization is authorized or accustomed to hear those communications and under the discipline tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(B) This subdivision shall not be construed to modify or limit a clergy member's duty to report known or suspected elder and dependent adult abuse if he or she is acting in the capacity of a care custodian, health practitioner, or employee of an adult protective services agency.

(C) Notwithstanding any other provision in this section, a clergy member who is not regularly employed on either a full-time or part-time basis in a long-term care facility or does not have care or custody of an elder or dependent adult shall not be responsible for reporting abuse or neglect that is not reasonably observable or discernible to a reasonably prudent person having no specialized training or experience in elder or dependent care.

(3) (A) A mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report, pursuant to paragraph (1), an incident if all of the following conditions exist:

- (i) The mandated reporter has been told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect.
 - (ii) The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.
 - (iii) The elder or dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.
 - (iv) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.
- (B) This paragraph shall not be construed to impose upon mandated reporters a duty to investigate a known or suspected incident of abuse and shall not be construed to lessen or restrict any existing duty of mandated reporters.
- (4) (A) In a long-term care facility, a mandated reporter shall not be required to report as a suspected incident of abuse, as defined in Section 15610.07, an incident if all of the following conditions exist:
- (i) The mandated reporter is aware that there is a proper plan of care.
 - (ii) The mandated reporter is aware that the plan of care was properly provided or executed.
 - (iii) A physical, mental, or medical injury occurred as a result of care provided pursuant to clause (i) or (ii).
 - (iv) The mandated reporter reasonably believes that the injury was not the result of abuse.
- (B) This paragraph shall not be construed to require a mandated reporter to seek, nor to preclude a mandated reporter from seeking, information regarding a known or suspected incident of abuse prior to reporting. This paragraph shall apply only to those categories of mandated reporters that the State Department of Public Health determines, upon approval by the Bureau of Medi-Cal Fraud and Elder Abuse and the state long-term care ombudsman, have access to plans of care and have the training and experience necessary to determine whether the conditions specified in this section have been met.
- (c) (1) Any mandated reporter who has knowledge, or reasonably suspects, that types of elder or dependent adult abuse for which reports are not mandated have been inflicted upon an elder or dependent adult, or that his or her emotional well-being is endangered in any other way, may report the known or suspected instance of abuse.
- (2) If the suspected or alleged abuse occurred in a long-term care facility other than a state mental health hospital or a state developmental center, the report may be made to the long-term care ombudsman program. Except in an emergency, the local ombudsman shall report any case of known or suspected abuse to the State Department of Public Health and any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.
- (3) If the suspected or alleged abuse occurred in a state mental health hospital or a state developmental center, the report may be made to the designated investigator of the State Department of State Hospitals or the State Department of Developmental Services or to a local law enforcement agency. Except in an emergency, the local law enforcement agency shall report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

- (4) If the suspected or alleged abuse occurred in a place other than a place described in paragraph (2) or (3), the report may be made to the county adult protective services agency.
- (5) If the conduct involves criminal activity not covered in subdivision (b), it may be immediately reported to the appropriate law enforcement agency.
- (d) If two or more mandated reporters are present and jointly have knowledge or reasonably suspect that types of abuse of an elder or a dependent adult for which a report is or is not mandated have occurred, and there is agreement among them, the telephone report or Internet report, as authorized by Section 15658, may be made by a member of the team selected by mutual agreement, and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.
- (e) A telephone report or Internet report, as authorized by Section 15658, of a known or suspected instance of elder or dependent adult abuse shall include, if known, the name of the person making the report, the name and age of the elder or dependent adult, the present location of the elder or dependent adult, the names and addresses of family members or any other adult responsible for the elder's or dependent adult's care, the nature and extent of the elder's or dependent adult's condition, the date of the incident, and any other information, including information that led that person to suspect elder or dependent adult abuse, as requested by the agency receiving the report.
- (f) The reporting duties under this section are individual, and no supervisor or administrator shall impede or inhibit the reporting duties, and no person making the report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting, ensure confidentiality, and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with this chapter.
- (g) (1) Whenever this section requires a county adult protective services agency to report to a law enforcement agency, the law enforcement agency shall, immediately upon request, provide a copy of its investigative report concerning the reported matter to that county adult protective services agency.
- (2) Whenever this section requires a law enforcement agency to report to a county adult protective services agency, the county adult protective services agency shall, immediately upon request, provide to that law enforcement agency a copy of its investigative report concerning the reported matter.
- (3) The requirement to disclose investigative reports pursuant to this subdivision shall not include the disclosure of social services records or case files that are confidential, nor shall this subdivision be construed to allow disclosure of any reports or records if the disclosure would be prohibited by any other provision of state or federal law.
- (h) Failure to report, or impeding or inhibiting a report of, physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. Any mandated reporter who willfully fails to report, or impedes or inhibits a report of, physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, if that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until a law enforcement agency specified in paragraph (1) of subdivision (b) of Section 15630 discovers the offense.

- (i) For purposes of this section, “dependent adult” shall have the same meaning as in Section 15610.23.

CALIFORNIA FAMILY CODE

§6924. MENTAL HEALTH TREATMENT OF MINORS

- (a) As used in this section:

(1) “Mental health treatment or counseling services” means the provision of mental health treatment or counseling on an outpatient basis by any of the following:

- (A) A governmental agency.
- (B) A person or agency having a contract with a governmental agency to provide the services.
- (C) An agency that receives funding from community united funds.
- (D) A runaway house or crisis resolution center.
- (E) A professional person, as defined in paragraph (2).

(2) “Professional person” means any of the following:

- (A) A person designated as a mental health professional in Sections 622 to 626, inclusive, of Article 8 of Subchapter 3 of Chapter 1 of Title 9 of the California Code of Regulations.
- (B) A marriage and family therapist as defined in Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.
- (C) A licensed educational psychologist as defined in Article 5 (commencing with Section 4986) of Chapter 13 of Division 2 of the Business and Professions Code.
- (D) A credentialed school psychologist as described in Section 49424 of the Education Code.
- (E) A clinical psychologist as defined in Section 1316.5 of the Health and Safety Code.
- (F) The chief administrator of an agency referred to in paragraph (1) or (3).
- (G) A person registered as a marriage and family therapist intern, as defined in Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in subdivision (g) of Section 4980.03 of the Business and Professions Code.
- (H) A licensed professional clinical counselor, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.
- (I) A person registered as a clinical counselor intern, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in subdivision (h) of Section 4999.12 of the Business and Professions Code.

(3) "Residential shelter services" means any of the following:

(A) The provision of residential and other support services to minors on a temporary or emergency basis in a facility that services only minors by a governmental agency, a person or agency having a contract with a governmental agency to provide these services, an agency that receives funding from community funds, or a licensed community care facility or crisis resolution center.

(B) The provision of other support services on a temporary or emergency basis by any professional person as defined in paragraph (2).

(b) A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if both of the following requirements are satisfied:

(1) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.

(2) The minor (A) would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (B) is the alleged victim of incest or child abuse.

(c) A professional person offering residential shelter services, whether as an individual or as a representative of an entity specified in paragraph (3) of subdivision (a), shall make his or her best efforts to notify the parent or guardian of the provision of services.

(d) The mental health treatment or counseling of a minor authorized by this section shall include involvement of the minor's parent or guardian unless, in the opinion of the professional person who is treating or counseling the minor, the involvement would be inappropriate. The professional person who is treating or counseling the minor shall state in the client record whether and when the person attempted to contact the minor's parent or guardian, and whether the attempt to contact was successful or unsuccessful, or the reason why, in the professional person's opinion, it would be inappropriate to contact the minor's parent or guardian.

(e) The minor's parents or guardian are not liable for payment for mental health treatment or counseling services provided pursuant to this section unless the parent or guardian participates in the mental health treatment or counseling, and then only for services rendered with the participation of the parent or guardian. The minor's parents or guardian are not liable for payment for any residential shelter services provided pursuant to this section unless the parent or guardian consented to the provision of those services.

(f) This section does not authorize a minor to receive convulsive therapy or psychosurgery as defined in subdivisions (f) and (g) of Section 5325 of the Welfare and Institutions Code, or psychotropic drugs without the consent of the minor's parent or guardian.

INDEX

All sections in the Index are Business and Professions Code (Sections 25., 27., 28., 29., 32., 114.3., 115.4., 114.5., 115.5., 125.3., 125.6., 125.9., 129., 143.5., 144.5., 315.2., 315.4., 337., 480., 480.5., 485., 490., 651., 683., 726.-729., 820., 865., 865.1., 865.2., 2290.5., 4980.-4999.129.) or Title 16, California Code of Regulations (Sections 1800.-1889.3.) unless otherwise indicated.

A

ABANDONMENT OF APPLICATION	1806.
ACCREDITED SCHOOL OF SOCIAL WORK	4991.2.
ACCREDITING AGENCIES	4980.36., 4980.37., 4999.12, 1832., 1854.
ACCUSATIONS (Statute of Limitations)	4982.05., 4990.32.
ADDITIONAL COURSEWORK (see COURSEWORK, ADDITIONAL)	
ADDRESS OF RECORD	1804.
ADMINISTRATION	CHAPTER 13.7 (4990.-4990.42.)
Administration and Enforcement of Chapter	4990.12.
Board Members (also see BOARD MEMBERS)	4990.
Board Seal	4990.14.
Delegation of Certain Functions	1803.
Duties of the Board	4980.35., 4990.12., 4990.24, 4999.14.
Employees	4980.70., 4990.06
Executive Officer (also see EXECUTIVE OFFICER)	4990.04.
Personnel	4980.70., 4990.06.
Powers and Duties of Board	4989., 4990.12., 4990.20., 4990.24.
Public Protection	4990.16.
Records of Applicants and Licensees	4990.08.
Research and Studies	4990.10.
Resources, Use of	4990.18.
Revenue	
Appropriation of Funds	4990.22., 4999.116.
Expenditures	4990.22.(b), 4999.116., 4999.122.
Records of Funds	4984.5., 4989.70., 4990.22., 4999.114.
Report and Payment of Revenue	4984.5., 4989.70., 4990.22., 4999.114.
Surplus Funds	4990.22(c), 4999.116.
Rules and Regulations	4980.60., 4988.2, 4989.18., 4990.20, 4999.48
Sunset	4989., 4990.(i), 4990.04.(f), 4990.24.
Title of Board	4990.02., 4990.26.
ADVERTISING	4980.44, 4980.48, 1811.
Continuing Education Course Advertisements	1887.9.
Definition	4980.03.(e), 4989.49, 4992.2, 4999.12.
Display of License/Renewal Receipt (see DISPLAY OF LICENSE)	
FALSE AND MISLEADING ADVERTISEMENTS	
Clinical Social Worker and Associate	651., 4992.3.; 1881.
Educational Psychologist	651., 4989.54., 1858.
Marriage and Family Therapist, MFT Intern and Trainee	651., 4982., 1845.
Professional Clinical Counselor	651, 4999.90.
Fictitious Business Names (see FICTITIOUS BUSINESS NAMES)	
License Number in Directories and Advertisements	1811.
Referral Service Advertising	1889.3.
AGING AND LONG TERM CARE TRAINING	
Applicant	4980.36, 4980.39, 4996.25, 4999.32, 4999.33
Licensee	4980.395., 4996.26.
ALCOHOLISM/SUBSTANCE DEPENDENCY TRAINING	
Applicant	4980.36, 4980.41, 4980.81., 4996.2, 4996.17, 4999.32, 4999.33, 1810.

A (continued)

Licensee	29., 1810., 1887.3.(b)
APPLICANT	
Employment in Private Practice – MFT Intern	4980.43
Definition of Applicant	4980.03.(d), 4999.12., 125.6.
Qualifications for Registration	
Applicant for Associate Clinical Social Worker	4996.18.
Applicant for MFT Intern	4980.36, 4980.37., 4980.38.
Applicant for LPCC Intern	4999.42
Qualification for Licensure	
Applicant for Clinical Social Worker License	4996.2., 4996.23., 4996.25.
Applicant for Educational Psychologist License	4989.20.
Applicant for Marriage and Family Therapist License	4980.36, 4980.37, 4980.39., 4980.40., 4980.41., 4980.42.
Applicant for Professional Clinical Counselor License	4999.32, 4999.33
Remuneration from Clients – Prohibited	4980.43, 4996.23, 4999.47
Supervision Requirement	4980.43, 4996.23, 4999.46
Volunteer Services	4980.43., 4996.23., 4999.47., 1833.
APPLICATIONS	
Abandonment/Ineligibility	4984.72., 4989.22., 4996.4., 4999.64., 1806.
Denial of Application (see DENIAL)	
False Statements or Impersonation	4982., 4989.54., 4992.3., 4992.7., 4999.90., 480.
Fees (see FEES)	
Form Prescribed by Board	1805.
Processing Time	1805.1
ASSOCIATE CLINICAL SOCIAL WORKER	
Application for Registration	4996.18.(a)
Employment	
Employment as Independent Contractor Prohibited	4996.23.
Private Practice Setting	4996.23.
Experience	
Effective January 1, 2002	4996.23.
Expiration of Registration	4996.28.
Notification to Clients	4996.18.
Proprietary Interest – Prohibited	4996.23.
Registration Fee	4996.3., 4996.28.(a).
Renewal of Registration	4996.28
Remuneration from Clients – Prohibited	4996.23.
Remuneration from Employer	4996.23.
Reporting Requirements	1881.(o), (p)
Qualification for Registration	4996.18.
Supervision	
Definition	4996.23.(b)
Consultation or Peer Discussion not Considered Supervision	4996.23.(b)
Responsibility Statement	4996.23., 1870.(a)
Supervisor Requirements	4996.18., 4996.23., 1870.
Supervisory Plan	4996.23., 1870., 1870.1.
Time Limit for Registration	4996.28.
Unprofessional Conduct	4992.3.;1881.

B

BOARD MEMBERS	
Appointment	4990.
Chairperson	4990.
Delegation of Certain Functions	1803.
Duty of Enforcement	4990.12.
Number of Board Members	4990.
Per Diem and Expenses	4990.

B (continued)

Powers	4990.12., 4990.20., 4990.24.
Qualifications of Members	4990.(a), (b), (c)
Term of Office	4990.(e), (f)
Vice Chairperson	4990.(g)
Vacancies	4990.(f)
BOARD SEAL	4990.14.

C

CEASE PRACTICE ORDER	315.2., 315.4.
CERTIFICATION OF FULFILLMENT OF REQUIREMENTS	4980.38, 4999.40.
CERTIFICATION OF GOOD STANDING	4984.7(a)(11)., 4989.68.(a)(8)., 4996.3.(a)(11)., 4999.120(n)., 1816.5.(b)
CHEMICAL DEPENDENCY	
Clinical Social Worker and Associate	4990.28, 4992.35.
Educational Psychologist	4989.54., 4990.28
Marriage and Family Therapist and Intern	4982.1., 4990.28
Professional Clinical Counselor	4990.28, 4999.90
CHEMICAL DEPENDENCY TRAINING (see ALCOHOLISM/SUBSTANCE DEPENDENCY TRAINING)	
CHILD ABUSE TRAINING REQUIREMENT	
Applicant	28., 4980.41., 4980.81., 4996.2., 4996.17., 4999.32., 4999.33.
Licensee	28., 1807.2.
CHILD ABUSE REPORTING REQUIREMENT	1845.(c), 1881.(o), Penal Code § 11166.
CHILD CUSTODY EVALUATION; NOTIFICATION TO NON-COMPLAINING PARTY	129.
CITATIONS AND FINES	
Administrative Hearing	1886.70.(a)
Authority	1886.
Citable Offenses	1886.40.
Compliance with Citation	1886.60.
Contested Citations	1886.70.
Consideration of Factors	1886.30.
Disconnection of Telephone Service (Unlicensed Persons)	1886.80.
Exceptions	1886.50.
Fines	1886.40., 1886.60.
Format	1886.20.
Informal Conference	1886.70.
Order of Abatement	1886.60.
Publication on Internet	4990.09
Unlicensed Practice	1886.10.
CLINICAL SOCIAL WORK	
Accredited School of Social Work	4991.2
Activities of a Psychosocial Nature in Specific Settings	4996.14.
Activities of a Psychosocial Nature/Social Work Interns	4996.15.
Definition	4996.9.
Necessity of License	4996.
Other Professional Groups	4996.13.
Persons from Out of State	4996.16.
Scope of Practice	4996.9.
CLINICAL SOCIAL WORKERS	CHAPTER 14
Continuing Education	4996.22.
Corporations (see CORPORATIONS)	
Display of Current Renewal Receipt	4996.8.
Display of License	4996.7.
Inactive License	4997., 1816.6.
Initial Licensure	4996.3., 1816.1.
Mental Illness or Chemical Dependency	4992.35.; 820.
Name Change	4992.8.
Renewal (See RENEWAL)	

Scope, Form, and Content of License	4996.5.
-------------------------------------	---------

C (continued)

Scope of Practice	4996.9.
Supervision/Experience Requirements	4996.23
Suspension or Revocation of License; Grounds; Conduct of	4996.11.
PROCEEDINGS	
Unprofessional Conduct	4992.3.;1881.
CONFIDENTIALITY	
Clinical Social Worker and Associate	4992.3, 1881.(i)
Educational Psychologist	4989.54.
Marriage and Family Therapist, MFT Intern and Trainee	4982.(m)
Professional Clinical Counselor	4999.90
CONTINUING EDUCATION	166., 1887. – 1887.15.
Approval Agencies	1887., 1887.4.1., 1887.4.2.
Clinical Social Worker	4996.22., 4996.26., 1887. – 1887.15.
Educational Psychologist	4989.34., 1887. – 1887.15.
Marriage and Family Therapist	4980.395., 4980.54., 1887. – 1887.15.
Professional Clinical Counselor	4999.76., 1887. – 1887.15.
Alcoholism/Other Chemical Substance Dependency	29., 1810., 1887.3.(b)
Audit of Records	
Clinical Social Worker	4996.22.(b)
Educational Psychologist	4989.34.(d)
Marriage and Family Therapist	4980.54.(d)
Professional Clinical Counselor	4999.76.(b)
Child Abuse Assessment/Reporting	28., 1807.2.
Clinical Social Worker Requirements	4996.22., 1887.-1887.15.
Course Content	1887.4.0.
Course Required	1887.3.
Definitions	1887.
Educational Psychologist Requirements	4989.34., 1887.-1887.15.
Exceptions from Requirements	4980.54.(e); 4989.34.(e), 4996.22.(c), 4999.76.(c), 1887.2.
Falsifying or Misrepresenting Continuing Education Credit	1887.1.(b)
Hours of Continuing Education Credit - Equivalency	1887.5.
Hours of Continuing Education Required	4980.54.(c), 4989.34.(a), 4996.22.(a), 4999.76.(a), 1887.3.
Inactive License	1887.2.(b)
Initial Licensee Continuing Education Requirement	1887.2.
Law and Ethics Course	1887.3.(d)
Licensee and Provider Course Records	1887.12.
Renewal Certification	1887.1.
Marriage and Family Therapist Requirements	4980.54., 1887.-1887.15.
Professional Clinical Counselor Requirements	4999.76., 1887.-1887.15.
Reactivation of License	4984.8., 4989.44.(d), 4997., 4999.112.
Records of Course Completion	1887.11.0., 1887.12.
Spousal or Partner Abuse Assessment	4980.57., 4996.22.
Providers	4980.54., 4989.34., 4996.22., 4999.76., 1887., 1887.4.3.
CORPORATIONS	
Licensed Clinical Social Workers	
Application of Article	4996.19.
Definition	4998.
Directors, Shareholders and Officers	4998., 4998.3.
Employment of Registrants	4996.24.
Fictitious Business Names	4998.2.

C (continued)

Income Attributable to Shareholder who is Disqualified Person	4998.4., 1850.7.(f)
Insurance Against Claims	4990.20.
Name of Corporation	4998.2.; 1850.6.
Sales of Stock Owned by Disqualified or Deceased Person	4990.20.(b)(1)
Shares; Ownership and Transfers	1850.7.
Unprofessional Conduct	4998.1., 4998.5.
Licensed Marriage and Family Therapists	
Corporate Unprofessional Conduct	4988.1.
Definition	4987.5.
Directors, Shareholders, and Officers	4987.8.
Employment of Interns	4980.45.
Fictitious Business Names	4987.7.
Income for Prof. Services not to Accrue to Disqualified Persons	4988., 1850.7.(f)
Insurance Against Claims	4990.20.
Name of Corporation	4987.7.; 1850.6.
Rules and Regulations	4988.2.
Sales of Stock Owned by Disqualified or Deceased Person	4990.20.
Shares; Ownership and Transfer	1850.7.
Unprofessional Conduct	4987.6.
Licensed Professional Clinical Counselors	
Definition	4999.123.
Directors, Shareholders and Officers	4999.126.
Employment of Registrants	4999.455.
Fictitious Business Names	4999.125.
Income Attributable to Shareholder who is Disqualified Person	4999.127., 1850.7.(f)
Insurance Against Claims	4990.20., 4999.129.
Name of Corporation	4999.125., 1850.6.
Rules and Regulations	4999.129.
Shares of Stock Owned by Disqualified or Deceased Person	4990.20.
Shares; Ownership and Transfers	1850.7.
Unprofessional Conduct	4999.124., 4999.128.
COURSE WORK, ADDITIONAL	
Aging and Long Term Care	
Applicant for Clinical Social Worker License	4996.25.
Applicant for Marriage and Family Therapist License	4980.36., 4980.37., 4980.39.
Applicant for Professional Clinical Counselor License	4999.32., 4999.33.
Alcoholism and Other Chemical Dependency	1810.
Applicant for Clinical Social Worker License	4996.2., 4996.17.
Applicant for Marriage and Family Therapist License	4980.36., 4980.41., 4980.81.
Applicant for Professional Clinical Counselor	4999.32., 4999.33.
Licensed Educational Psychologist	1810., 1887.3.
Child Abuse Assessment	1807.2.
Applicant for Clinical Social Worker License	28., 4996.2., 4996.17., 1807.2.
Applicant for Marriage and Family Therapist License	28., 4980.36., 4980.41., 4980.81., 1807.2.
Applicant for Professional Clinical Counselor License	28., 4999.32., 4999.33., 1807.2.
Licensed Educational Psychologist	1807.2.
Course Work Requirements to Sit for Examination	4980.36., 4980.37., 4989.22., 4996.2., 4999.32., 4999.33.
Elder and Dependent Adult Abuse/Neglect	4980.39., 4996.26., 4999.32., 4999.33.
Human Sexuality	--
Applicant for Clinical Social Worker License	25., 4996.2.(g), 1807.
Applicant for Marriage and Family Therapist License	25., 4980.41.(c), 1807.
Applicant for Professional Clinical Counselor License	25., 4999.32., 4999.33., 1807.
Psychological Testing	4980.36., 4980.41., 4980.81., 4999.32., 4999.33.
Psychopharmacology	4980.36., 4980.41., 4980.81., 4999.32., 4999.33.
Spousal and Partner Abuse Assessment	
Applicant for Clinical Social Worker License	4996.2.(f), 4996.17.
Applicant for Marriage and Family Therapist License	4980.36., 4980.41., 4980.81.
Applicant for Professional Clinical Counselor License	4999.32., 4999.33.
CRITERIA	
Criminal Conviction	490

Rehabilitation-Denial of License	1813.
Rehabilitation-Suspension or Revocation	1814.
Substantial Relationship	1812.

D

DECLARATORY DECISIONS	1800.
DEGREE REQUIREMENTS	4980.36, 4980.37., 4980.40, 4989.20., 4996.2., 4999.32, 4999.33.
DELINQUENT LICENSES	
Fees	4984.7., 4989.68., 4996.3, 1816.7.
Renewal of Expired License	4984.1., 4989.36., 4996.6., 4999.104.
Time Limit for Renewal After Expiration	4984.4., 4989.42., 4996.6., 4999.104
DENIAL OF APPLICATION/LICENSE/REGISTRATION	
Act that is Grounds for Revocation or Suspension	490.
Act Involving Dishonesty, Fraud, or Deceit	480.
Certificate of Rehabilitation	480.
Conviction	
Applicant for Clinical Social Worker License	480., 490, 4996.2.
Applicant for Educational Psychologist License	480., 490, 4989.24., 4989.26., 4989.28.
Applicant for Marriage and Family Therapist License	480., 490, 4980.40.
Applicant for Professional Clinical Counselor License	480., 490., 4999.51.
Clinical Social Worker and Associate	480., 490, 4992.3.
Educational Psychologist	480., 490, 4989.54.
Professional Clinical Counselor	480, 490, 4999.90
Marriage and Family Therapist and Intern	480., 490, 4982.
Disciplinary Action Imposed by a State/Governmental Agency	
Clinical Social Worker and Associate	4990.38, 4992.36.
Educational Psychologist	4989.54., 4990.38
Marriage and Family Therapist and Intern	4982.25., 4990.38
Professional Clinical Counselor and Intern	4990.38, 4999.42, 4999.51., 4999.91.
Clinical Social Worker and Associate	4992.36.(b)
False Statement on Application	480.
Mental Illness or Chemical Dependency	
Clinical Social Worker and Associate	820., 4992.35.
Educational Psychologist	820., 4989.26.
Marriage and Family Therapist and Intern	820., 4982.1.
Professional Clinical Counselor	820., 4990.28.
Sexual Abuse of Children or Sexual Offender	4980.40., 4989.24., 4996.2., 4999.42, 4999.51
Statement of Issues	485.
Unprofessional Conduct	
Clinical Social Worker and Associate	4992.3.; 1881.
Educational Psychologist	4989.54.; 1858.
Marriage and Family Therapist , MFT Intern	4982.; 1845.
Professional Clinical Counselor and Intern	4999.90., 1823.
DISCIPLINARY ACTION: LICENSE STATUS CHANGE	464., 4990.33.
DISCIPLINARY GUIDELINES	1888.
DISPLAY OF LICENSE	
Clinical Social Worker	4996.7.
Educational Psychologist	4989.48.
Marriage and Family Therapist	4980.31.
Professional Clinical Counselor	4999.70
Renewal Receipt	4996.8.

E

EDUCATIONAL PSYCHOLOGISTS	CHAPTER 13.5
Continuing Education Requirements	4989.34., 1807.2., 1810., 1887.-1887.14.
Display of License	4989.48.
Expired Licenses	4989.36.
Fees	4989.68., 1816.-1816.7.

E (continued)

Inactive License	4989.44., 1816.6.
Injunction	4989.64.
Issuance of License	4989.20.
Mental Health and Chemical Dependency	820., 4989.26., 4989.56.
Necessity of License	4989.50.
Professional Functions Authorized	4989.14.
Renewal of License	
Expired License	4989.36.
Revoked License	4989.40.
Suspended License	4989.38.
Time Limit for Renewal After Expiration	4989.42.
Unexpired License	4989.32.
Rules of Professional Conduct	4989.18.
Sexual Contact with Patient or Former Patient	4989.58.
Scope of Practice	4989.14.
Unprofessional Conduct	4989.54., 1858.
Violations/Punishment	4989.66.
EDUCATIONAL PSYCHOLOGIST (APPLICANT)	
Equivalent Degrees	1854.
Examinations	
Eligibility	4989.20., 4989.22.
Examination Record Retention	4989.22.(c)
Experience as Credentialed School Psychologist	4989.20., 1856.
Qualifications for Licensure	4989.20.
Supervised Professional Experience	4989.20.
ENGAGING IN PRACTICE	4980.10., 4989.13., 4991.1., 4999.13.
EQUIVALENT ACCREDITING AGENCIES	1832.
EXAMINATIONS	
Abandonment of Application	1806.
Applicants for Clinical Social Worker License & Registration	4992.05., 4992.1., 4996.1., 4996.4., 1816.4., 1877.1.
Applicants for Licensed Educational Psychologist	4989.22.
Applicants for Marriage and Family Therapist License & Registration	4980.397., 4980.40., 4980.50., 4984.72., 1816.4., 1829.1.
Applicants for Prof. Clinical Counselor License & Registration	4999.52., 4999.53., 4999.100., 1816.4., 1822.50.
California Law and Ethics Examination	
Clinical Social Worker Applicant	4992.09., 4996.28., 1877.2., 1877.3.
Marriage and Family Therapist Applicant	4980.399., 4980.40., 4984.01., 1829.2., 1829.3.
Professional Clinical Counselor Applicant	4999.45., 4999.55., 1822.51., 1822.52.
Denying Admission to Examination	4980.50, 4989.22, 4992.1, 4999.52.
Examination Restructure Transition Scenarios	4980.398., 4992.07.
Fees	4984.7.; 4989.68., 4996.3.; 4999.120 1816.2., 1816.4.
Re-Examinations	
Clinical Social Worker Applicant	4996.4.
Educational Psychologist Applicant	4989.22.(b)
Marriage and Family Therapist Applicant	4984.72.
Professional Clinical Counselor Applicant	4999.64.
Waiting Period	1805.05.
Rescoring Fees	
Clinical Social Worker Examinations	4996.3.; 1816.3.
Educational Psychologist Examinations	4989.68., 1816.3.
Marriage and Family Therapist Examinations	4984.7., 1816.3.
Professional Clinical Counselor Examinations	4999.120.
Seven-Year Limitation on Examinations	
Clinical Social Worker Applicant	4992.1.
Marriage and Family Therapist Applicant	4980.50.
Professional Clinical Counselor Applicant	4999.52.
Record Retention	
Clinical Social Worker	4992.1.
Educational Psychologist	4989.22.
Marriage and Family Therapist	4980.50.

E (continued)

Professional Clinical Counselor	4999.52.
Time and Place of Examinations	
Clinical Social Worker	4992.5.
Marriage and Family Therapist	4980.50.(a)
Professional Clinical Counselor	4999.52.
Withholding Results of Examination	4980.50., 4989.22, 4992.1, 4999.52
EXECUTIVE OFFICER	4990.04
Appointment/Service	4990.04.
Compensation	4990.04.
Duty of Enforcement	4990.04.
Delegation of Functions	1803.
Powers and Duties	4990.04., 4990.12., 4990.24., 1886., 1886.10.
EXEMPTIONS FROM LICENSURE	
Clinical Social Work	4996.13.; 4996.14.; 4996.15.
Educational Psychology	4989.16.
Marriage and Family Therapy	4980.01.
Professional Clinical Counselor	4999.22
EXPEDITED LICENSE - MILITARY	115.4., 115.5.
EXPERIENCE	
Applicant for Clinical Social Worker License	4996.23.
Applicant for Educational Psychologist License	4989.20., 1856.
Applicant for Marriage and Family Therapist License	4980.40., 4980.43.; 1833.
Applicant for Professional Clinical Counselor	4999.44, 4999.45, 4999.46., 1820., 1820.5.
Experience Gained Outside California	
Applicant for Clinical Social Worker License	4996.17.
Applicant for Marriage and Family Therapist License	4980.72.- 4980.81.
Applicant for Professional Clinical Counselor	4999.60. – 4999.63.
EXPIRATION OF LICENSE/REGISTRATION	
Associate Clinical Social Worker Registration	4996.28
Clinical Social Worker License	4996.6.
Educational Psychologist License	4989.30.
Marriage and Family Therapist License	4984.
Marriage and Family Therapist Intern Registration	4984.01., 1846.
Professional Clinical Counselor Intern Registration	4999.100
Professional Clinical Counselor License	4999.102
Renewal (see RENEWAL)	

F

FEES	
Certification Fee	4984.7., 4989.68.(a)(8), 4996.3., 4999.120., 1816.5.(b)
Delinquency Fee	
Clinical Social Worker	4996.6.; 1816.7.
Educational Psychologist	4989.68.(a)(4); 1816.7.
Marriage and Family Therapist	4984.7.; 1816.7.
Professional Clinical Counselor	4999.104., 1816.7.
Examination Fees	
Application Fee	1816.4.
Clinical Social Worker Examination	4996.3.; 1816.2.(a),(b)
Educational Psychologist Examination	4989.68.(a)(5); 1816.2.(e)
Marriage and Family Therapist Examination	4984.7.; 1816.2.(c),(d)
Professional Clinical Counselor	4999.120., 1816.2.
Rescoring Fee	4984.7., 4989.68., 4996.3., 4999.120. 1816.3.
Failure to Disclose Fees in Advance	
Clinical Social Worker and Associate	4992.3.; 1881.
Educational Psychologist	4989.54.(o).
Marriage and Family Therapist and Intern	4982.

F (continued)

Professional Clinical Counselor	4999.90.
Inactive License Fee	
Clinical Social Worker License	4997., 1816.6.(b)
Educational Psychologist License	4989.44., 1816.6.(c)
Marriage and Family Therapist License	4984.8., 1816.6.(a)
Professional Clinical Counselor	4999.112., 1816.6.
Initial License Fee (Registration)	
Clinical Social Worker	4996.3.; 1816.1.
Educational Psychologist	4989.68.(a)(2); 1816.1.
Marriage and Family Therapist	4984.7.; 1816.1.
Professional Clinical Counselor	4999.120., 1816.1.
License Application Fees	
Clinical Social Worker	4992.; 4996.3.
Educational Psychologist	4989.68.(a)(1)
Marriage and Family Therapist	4984.7.
Professional Clinical Counselor	4999.120
Re-Examination Fees	
Clinical Social Worker	4996.4.
Marriage and Family Therapist	4984.72.
Professional Clinical Counselor	4999.64.
Registration Fees	
Associate Clinical Social Worker	
Application	4996.3.
Renewal	4996.3.
Marriage and Family Therapist Intern	
Application	4984.7.
Renewal	4984.7., 1816.
Professional Clinical Counselor	
Application	4999.120., 1816.1.
Renewal	4999.120., 1816.
Renewal Fees	
Associate Clinical Social Worker	4996.3., 4996.28., 1816.
Clinical Social Worker	4996.3., 1816.
Educational Psychologist	4989.68., 1816.
Marriage and Family Therapist	4984.7., 4984.75., 1816.
Marriage and Family Therapist Intern	4984.7., 1816.
Professional Clinical Counselor Intern	4999.120., 1816.
Professional Clinical Counselor	4999.120., 1816.
Replacement Fee	4984.7., 4989.68.(a)(7), 4996.3., 4999.120., 1816.5.(a).
FICTITIOUS BUSINESS NAMES	
Clinical Social Worker Corporation	4998.2.
Clinical Social Worker	4992.10.
Marriage and Family Therapist Corporation	4987.7.
Marriage and Family Therapist	4980.46.
Professional Clinical Counselor	4999.72
Professional Clinical Counselor Corporation	4999.125.
FOREIGN EDUCATION (see OUT-OF-COUNTRY EDUCATION)	
FRAUDULENT, DISHONEST, OR CORRUPT ACTS	
Clinical Social Worker and Associate	480., 4992.3.; 1881.(e)
Educational Psychologist	480., 4989.54.(g);
Marriage and Family Therapist , MFT Intern and Trainee	480., 4982.
Professional Clinical Counselor, PCC Intern	480, 4999.90

H

HUMAN SEXUALITY TRAINING	25., 4980.41., 4996.2., 4999.32., 4999.33., 1807.
--------------------------	---

I

INACTIVE LICENSE	
Clinical Social Worker	4997.
Educational Psychologist	4989.44.
Exemption from Continuing Education Requirement	1887.2.
Fees	4984.8., 4989.44., 4997., 4999.112, 1816.6.
Marriage and Family Therapist	4984.8.
Professional Clinical Counselor	4999.112
INJUNCTION	
Educational Psychologist	4989.64.
Marriage and Family Therapist , MFT Intern and Trainee	4983.1.
Professional Clinical Counselor, PCC Intern	4999.88
INTERN (SEE MARRIAGE AND FAMILY THERAPIST INTERN, PROFESSIONAL CLINICAL COUNSELOR INTERN)	

L

LICENSE	
Address Change	1804.
Certification Fees (see FEES)	
Continuing Education (see CONTINUING EDUCATION)	
Delinquent License (see DELINQUENT LICENSES)	
Display of Current Renewal Receipt (LCSW)	4996.8.
Display of License	
Clinical Social Worker	4996.7.
Educational Psychologist	4989.48.
Marriage and Family Therapist	4980.31.
Professional Clinical Counselor	4999.70
Fee Schedule (see FEES)	
Expired License (see DELINQUENT LICENSES)	
Inactive License	
Clinical Social Worker	4997.
Educational Psychologist	4989.44.
Marriage and Family Therapist	4984.8.
Professional Clinical Counselor	4999.112
Issuance of License	
Clinical Social Worker	4996.5.
Educational Psychologist	4989.20.
Marriage and Family Therapist	4980.50.
Professional Clinical Counselor	4999.50
Name Change	
Clinical Social Worker and Associate	4992.8.
Educational Psychologist	4989.46.
Marriage and Family Therapist and Intern	4984.9.
Professional Clinical Counselor and Intern	4999.118
Necessity of License	
Clinical Social Worker	4996., 4996.9., 4996.13., 4996.14., 4996.15., 4996.16.
Educational Psychologist	4989.14., 4989.50.
Marriage and Family Therapist	4980., 4980.01., 4980.02.
Professional Clinical Counselor	4999.30.
Placing License or Registration on Probation	4982.15., 1888.
Qualifications for License	
Clinical Social Worker	4996.2.
Educational Psychologist	4989.20.
Marriage and Family Therapist	4980.36, 4980.37, 4980.40.
Professional Clinical Counselor	4999.50.
Reinstatement of Revoked License After Expiration	

L (continued)

Clinical Social Worker	4996.6.
Educational Psychologist	4989.40.
Marriage and Family Therapist	4984.3.
Professional Clinical Counselor	4999.110
Renewal of License (see RENEWAL)	
Replacement License Fees (see FEES)	1816.5.
Scope of Practice	4980.02., 4989.14., 4996.5., 4999.20
Securing License by Fraud or Misrepresentation	
Clinical Social Worker	4992.3.(b);1887.1.(b)
Educational Psychologist	4989.54.(b)
Marriage and Family Therapist	4982.(b); 1887.1(b)
Professional Clinical Counselor	4999.90
Title Protection	4980., 4989.50., 4996., 4996.13., 4999.22., 4999.30
LICENSE RENEWAL (see RENEWAL)	

M

MARRIAGE AND FAMILY THERAPISTS	CHAPTER 13
Continuing Education Requirements	29.; 32., 4980.54.; 1887.-1887.15.
Display of License	4980.31.
Engaging in Practice	4980.10.
Employment of Interns in Private Practice	4980.45.
Fictitious Business Names	4980.46.
Grounds for Refusal to License or Register (Mental Illness)	820., 4982.1.
Inactive License	4984.8., 1816.6.
License Title Name Change	4980.08.
Renewal	4984., 4984.01., 4984.1., 4984.2.
Scope of Practice	4980.02.
Statement of Experience, etc. to Clients	4980.55.
Unprofessional Conduct	4982.; 1845.
Violation/Punishment	4983.
MARRIAGE AND FAMILY THERAPIST CORPORATIONS (see CORPORATIONS)	
MARRIAGE AND FAMILY THERAPIST INTERN	
Definition of an Intern	4980.03.(b)
Engaging in Practice	4980.10.
Employment as an Independent Contractor - Prohibited	4980.43., 1833.
Employment in Private Practice	4980.43; 4980.45.; 1833.
Grounds for Refusal to License or Register (Mental Illness)	4982.1.; 820.
Notice to Clients	4980.44.
Professional Experience	4980.43.; 1833.
Proprietary Interest - Prohibited	4980.43
Qualifications	4980.36, 4980.37, 4980.44.
Registrant Title Name Change	4980.09.
Registration Fees	1816.1.
Remuneration from Clients - Prohibited	4980.43.
Remuneration to Interns	4980.43.
Renewal	4984.01.
Renewal not Possible Beyond Six Years	4984.01.
Reporting Requirements	1845.
Subsequent Intern Registration	4984.01
Supervision Requirement	4980.43.; 1833.
Supervision in Private Practice	4980.43.,1833.
Unprofessional Conduct	4982.; 1845.
Volunteer Services	4980.43.
Weekly Logs of Hours of Experience	1833.
MENTAL ILLNESS OR CHEMICAL DEPENDENCY	
Clinical Social Worker and Associate	820., 4990.28., 4992.35.

M (continued)

Educational Psychologist	820., 4989.26., 4990.28.
Marriage and Family Therapist and Intern	820., 4982.1.; 4990.28.
Professional Clinical Counselor and Intern	820., 4990.28.
MILITARY LICENSEES – WAIVER OF RENEWAL REQUIREMENTS	114.3.
MILITARY SERVICE – INQUIRY ON APPLICATION	114.5.
MILITARY SERVICE – EXPEDITED LICENSURE	115.4.
MILITARY SPOUSES – EXPEDITED LICENSURE	115.5.
MINORS, MENTAL HEALTH TREATMENT OF	Health and Safety Code §124260., Family Code §6924
MISREPRESENTATION OF LICENSE OR REGISTRATION	
Clinical Social Worker and Associate	4992.3; 1881.(a)
Educational Psychologist	4989.54.
Marriage and Family Therapist , MFT Intern and Trainee	4982.
Professional Clinical Counselor and Intern	4999.72, 4999.90

N

NECESSITY OF LICENSE	
Clinical Social Worker	4996., 4996.9., 4996.13., 4996.14., 4996.15., 4996.16.
Educational Psychologist	4989.14., 4989.16., 4989.50.
Marriage and Family Therapist	4980., 4980.01., 4980.02.
Professional Clinical Counselor	4999.30

O

OUT-OF-COUNTRY EDUCATION	4980.76., 4996.18, 4999.40, 1832.
OUT-OF-STATE EDUCATION AND EXPERIENCE	
Clinical Social Workers	4996.17.
Marriage and Family Therapists, after January 1, 2016	4980.72., 4980.74, 4980.78., 4980.79., 4980.81.
Professional Clinical Counselor, after January 1, 2016	4999.60., 4999.61, 4999.62., 4999.63.
OUT-OF-STATE PASSING EXAM SCORES	
Clinical Social Workers	4996.17.
Marriage and Family Therapists	4980.72.
Professional Clinical Counselors	4999.60.
OUT-OF-STATE LICENSEES	
Clinical Social Worker	4996.16., 4996.17.
Marriage and Family Therapist, after January 1, 2016	4980.72., 4980.79.
Professional Clinical Counselor, after January 1, 2016	4999.60., 4999.63.

P

PENALTY/VIOLATION	
Clinical Social Worker and Associate	4996.12.
Educational Psychologist	4989.66.
Marriage and Family Therapist and Intern	4983.
Professional Clinical Counselor and Intern	4999.86
PETITION FOR REINSTATEMENT OR MODIFICATION	4990.30., 4990.31., 1814.
PROFESSIONAL CLINICAL COUNSELOR	CHAPTER 16
Collateral Consultation - Definition	1820.5.
Continuing Education Requirements	4999.76., 1887. - 1887.15.
Couples and Families, Treatment of	4999.20., 1820.5., 1820.7

P (continued)

Definitions	4999.12
Degree Granting Programs	4999.40
Display of License	4999.70.
Duties of the Board; Dissemination of Information	4999.14
Engaging in Practice	4999.13., 4999.82.
Employment of Interns in Private Practice	4999.44, 4999.45., 4999.455.
EXAMINATION	
Age of Passing Exam Score	4980.50., 4992.1., 4999.52.
Exam; Form Determination by Board	4999.52
Eligibility	4999.32, 4999.33
Denial	4999.52
Exemptions	4999.22
EXPIRATION	
Intern Registration	4999.100.
License	4999.102, 4999.104., 4999.106
Revoked License	4999.110
Fees	4999.120., 1816.-1819.1.
Fictitious Business Names	4999.72.
Fingerprinting; Criminal Offender Record Information	4999.51
Grounds for Refusal to License or Register (Mental Illness)	820., 4990.28.
Inactive License	4999.112
Information regarding counseling relationship and process; disclosure	4999.74
Injunction to Restrain Conduct	4999.88
Legislative Intent	4999.11
LICENSE	
Inactive	4999.112
Issuance of	4999.50
Licensee Name Change	4999.118
Privileged Communication	4999.84
Renewal	
Expired License	4999.104, 4999.106
License	4999.76, 4999.102
Revoked License	4999.110
Suspended License	4999.108
Revoked License	4999.110
Scope of Practice	4999.20
Title of Act	4999.10
Treatment of Couples and Families	4999.20., 1820.5., 1820.7.
Unprofessional Conduct	4999.90
Violation/Punishment	4999.86
PROFESSIONAL CLINICAL COUNSELOR INTERN	
Definition of an Intern	4999.12
Clinical Setting – Definition	1820.
Community Mental Health Setting - Definition	1820.
Couples, Families, and Children	4999.20., 1820.5., 1820.7.
EDUCATION	
Equivalent Outside the United States	4999.40
Gained Outside the State, Effective January 1, 2016	4999.61
Qualifications, Graduate Study before August 1, 2012	4999.32
Qualifications, Graduate Study after August 1, 2012	4999.33
Substantially Equivalent, Effective January 1, 2016	4999.62., 4999.63.
Employment as an Independent Contractor - Prohibited	4999.47.
Employment in Private Practice	4999.44, 4999.45.
Experience Gained Outside the State, Effective January 1, 2016	4999.60.-4999.63.
Grounds for Refusal to License or Register (Mental Illness)	820., 4990.28.

P (continued)

Notice to Clients	4999.45.
Out-of-State Licensee, effective January 1, 2016	4999.60.-4999.63.
Professional Experience	4999.44, 4999.46., 1820., 1820.5., 1820.7.
Proprietary Interest - Prohibited	4999.47
Qualifications	4999.32, 4999.33, 4999.42
Registrant Title Name Change	4999.12.5.
Registration Fees	4999.120., 1816.1.
Remuneration from Clients - Prohibited	4999.47
Remuneration to Interns	4999.47.
Renewal	4999.100
Renewal Fees	1816.
Renewal not Possible Beyond Six Years	4999.45
Subsequent Intern Registration	4999.45
Supervision – Maximum Number of Registrants	4999.455.
Supervision Requirements	4999.45, 4999.46, 4999.48., 1821.
Supervisory Plan	1822.
Supervision in Private Practice	4999.45
Unprofessional Conduct	4999.90
Volunteer Services	4999.45, 4999.47
PROFESSIONAL CLINICAL COUNSELOR TRAINEE	
Definition of an Trainee	4999.12
Employment	4999.47
Practicum and Field Experience	4999.34
Services	4999.24, 4999.36
School Responsibilities	4999.36
PROBATION	4990.34.
Placing of License or Registration on Probation	4982.15., 4990.34., 1888.
Petition for Modification of Penalty	4990.30., 4990.31.
Probation Monitoring Cost	4982.15., 4990.34.
Probation Monitoring Program	4982.15., 4990.34.
Requirement of Probationer to Obtain Training and Pass Exams	4982.15., 4990.36.
PROCESSING TIMES	1805.1.
PROFESSIONAL THERAPY NEVER INCLUDES SEX - BROCHURE	728.
PUBLIC PROTECTION	4980.34., 4990.16.

Q

QUALIFICATIONS FOR LICENSURE	
Applicant for Clinical Social Worker License	4996.2.
Applicant for Educational Psychologist License	4989.20.
Applicant for Marriage and Family Therapist License	4980.36, 4980.37, 4980.40.
Applicant for Professional Clinical Counselor License	4999.50.

R

RECIPROCITY	
Clinical Social Worker	4996.16., 4996.17.
Marriage and Family Therapist – Operative 2016	4980.72., 4980.74., 4980.76., 4980.78., 4980.79., 4980.81.
Professional Clinical Counselor – Operative 2016	4999.60., 4999.61., 4999.62., 4999.63.
RECORDS (Client Access to Records)	Health and Safety Code § 123110.
RECORDKEEPING REQUIREMENT	
Clinical Social Worker and Associate	4992.3., 4993.
Educational Psychologist	4989.51., 4989.54.
Marriage and Family Therapist , MFT Intern and Trainee	4980.49., 4982.
Professional Clinical Counselor, PCC Intern	4999.75., 4999.90.
RECOVERY COSTS	125.3.
REFERRAL SERVICES (MFT)	
Advertising and Referral Guidelines	1889.3.

Definitions	1889.
Registration	1889.1.
Revocation or Denial of Registration	1889.2.
REGISTRATION RENEWAL (see RENEWAL)	
REHABILITATION	
Criteria for Rehabilitation - Denial of License	1813.
Criteria for Rehabilitation - Suspension or Revocation	1814.
RENEWAL	
License Renewal	
Clinical Social Worker	
Continuing Education	1887.1.
Expired License	4996.6.
Fees	4996.3., 4996.65., 1816., 1816.7.(b)
Requirements	4996.6.
Time Limit for Renewal After Expiration	4996.6
Unexpired License	4996.6.
Educational Psychologist	
Continuing Education	1887.1.
Expired License	4989.36.
Fees	4989.68., 1816., 1816.7.(c).
Requirements	4989.32.
Revoked License	4989.40.
Suspended License	4989.38.
Time Limit for Renewal After Expiration	4989.36.
Unexpired License	4989.32.
Marriage and Family Therapist	
Continuing Education	1887.1.
Expired License	4984.1.
Fees	4984.7., 4984.75. 1816., 1816.7
Requirements	4984
Revoked License	4984.3.
Suspended License	4984.2.
Time Limit for Renewal After Expiration	4984.4.
Unexpired License	4984.
Professional Clinical Counselor	
Continuing Education	4999.76., 1887.1.
Expired License	4999.104, 4999.106.
Fees	4999.120., 1816., 1816.7.
Revoked License	4999.110.
Suspended License	4999.108.
Time Limit for Renewal After Expiration	4999.104.
Unexpired License	4999.102.
Registration Renewal	
Associate Clinical Social Worker	4996.28., 1816.
Renewal not Possible Beyond Six Years	4996.28
Marriage and Family Therapist Intern	4984.01; 1816.
Renewal not Possible Beyond Six Years	4984.01
Professional Clinical Counselor Intern	4999.45, 4999.100., 1816.
Renewal not Possible Beyond Six Years	4999.45
REPORTING REQUIREMENTS	
Child Abuse	
Clinical Social Worker and Associate	1881.(o); Penal Code § 11165.1., 11166.
Educational Psychologist	4989.54.(v); Penal Code §11165.1., 11166.
Marriage and Family Therapist , MFT Intern and Trainee	1845.(c); Penal Code §11165.1., 11166.
Professional Clinical Counselor, PCC Intern	4999.90.(w), Penal Code §11165.1., 11166
Dependent Adult or Elder Abuse	
Clinical Social Worker and Associate	1881.(p); Welfare and Institutions Code § 15630.

R (continued)

Educational Psychologist	4989.54.(w); Welfare and Institutions Code § 15630.
Professional Clinical Counselor	4999.90.(x), Welfare and Institutions Code § 15630.
Marriage and Family Therapist	1845.(d); Welfare and Institutions Code § 15630.
RETIRED LICENSE	
Marriage and Family Therapist	4984.41.
Clinical Social Worker	4997.1.
Educational Psychologist	4989.45.
Professional Clinical Counselor	4999.113.
REVENUE	
Expenditures	4990.22.
Report and Payment of Revenue	4984.5.
Surplus Funds	4990.22.(c), 4999.116
REVOCATION OF LICENSE OR REGISTRATION	
Criteria for Rehabilitation – Suspension or Revocation	1814.
Conduct of Proceedings	
Clinical Social Worker and Associate	4990.42, 4992.4.; 4996.11.
Educational Psychologist	4989.62., 4990.42.
Marriage and Family Therapist and Intern	4982.3., 4990.42
Professional Clinical Counselor and Intern	4990.42
Grounds for Action	490
Unprofessional Conduct	
Clinical Social Worker and Associate	4992.3; 1881.
Educational Psychologist	4989.54.; 1858.
Marriage and Family Therapist , MFT Intern and Trainee	4982.; 1845.
Professional Clinical Counselor, PCC Intern	4999.90., 1823.

S

SCOPE OF PRACTICE	
Clinical Social Worker	4996.9.
Educational Psychologist	4989.14.
Marriage and Family Therapist	4980.02.
Professional Clinical Counselor	4999.20
SEAL (Board)	4990.14.
SETTLEMENT AGREEMENTS,CIVIL	143.5.
SEX OFFENDERS - REVOCATION	1888.1.
SEXUAL MISCONDUCT	
Clinical Social Worker and Associate	726., 729., 4992.3., 4992.33., 1881.
Educational Psychologist	726.; 729., 4989.54., 4989.58.
Marriage and Family Therapist , MFT Intern and Trainee	726.; 729., 4982., 4982.26.
Professional Clinical Counselor, PCC Intern	726, 729, 4999.90
SEXUAL MISCONDUCT BROCHURE	337.,728.
SEXUAL ORIENTATION CHANGE EFFORTS	865., 865.1., 865.2.
SOCIAL WORK/WORKER (see CLINICAL SOCIAL WORK/WORKER)	
SPOUSAL OR PARTNER ABUSE ASSESSMENT TRAINING	
Applicant	4980.36., 4980.41., 4980.81., 4996.2., 4996.17, 4999.32, 4999.33
Licensee	4980.57., 4996.22.
STATUTE OF LIMITATIONS	4990.32.
Clinical Social Worker and Associate	4990.32.
Educational Psychologist	4990.32.
Marriage and Family Therapist and Intern	4982.05.
Professional Clinical Counselor and Intern	4990.32
SUBSTANTIAL RELATIONSHIP CRITERIA	1812.
SUNSET DATES	4989., 4990., 4990.04., 4990.24.
SUPERVISION	
Definition of Acceptable Mental Health Professionals (ASW Supervisors)	1874.
Definition of Supervisor of MFT Trainee or Intern	4980.03., 1833., 1833.1.
Definition of Supervisor of Professional Clinical Counselor Intern	4999.12., 1821., 1822.
Experience Gained Outside of California	4980.72.-4980.79., 4980.81., 4996.17., 4999.60.-4999.63., 1833.2.

S (continued)

Exp. Gained Under Supervision of Relative/Spouse – Prohibited	
Associate Clinical Social Worker	4996.18.
Marriage and Family Therapist Intern or Trainee	1833.
Group Supervision	
Marriage and Family Therapist Intern or Trainee	4980.43.; 1833.(b)
Professional Clinical Counselor Intern	4999.46., 1820.
Professional Clinical Counselor Trainee	4999.36
Individual Supervision	
Marriage and Family Therapist Intern or Trainee	4980.43.; 1833.
Professional Clinical Counselor Intern	4999.46., 1820.
Professional Clinical Counselor Trainee	4999.36
Requirements for Supervisors of ASWs	1870., 1870.1.
Requirements for Supervisors of MFT Interns and Trainees	4980.03(g)., 1820.7., 1833.1.
Requirements for Supervisors of PCC Interns	1821., 1822.
Requirements for Supervisors of PCC Interns and Licensees Gaining Experience to Treat Couples or Families	1820.5.
Responsibility Statement for Supervisors	1821., 1833.1., 1870.
Supervision of MFT Interns and Trainees in Settings Other than Private Practice	4980.43.; 1833.; 1833.1.
Supervision of MFT Interns in Private Practice	4980.43.; 1833.; 1833.1.
Supervisor's Failure to Complete Coursework Requirements	1821., 1833.1.
Supervisory Plan for ASWs	1870.1.
Unprofessional Conduct	
Clinical Social Worker Supervisors	4992.3.; 1881.
Marriage and Family Therapist Supervisors	4982.; 1845.
Professional Clinical Counselor	4999.90
Weekly Log of Hours of Experience for MFT Interns and Trainees	1833.(e)
Weekly Log of Hours of Experience for PCC Interns	1820.
Written Agreement Between Supervisor and Organization	
Supervisors of MFT Interns or Trainees	4980.03(g)., 1820.7., 1833.
Supervisors of PCC Interns	1820.
Written Notice of Intent not to Certify Further Hours of Experience	
Supervisors of Associate Clinical Social Workers	1870.(a)(9)
Supervisors of MFT Interns or Trainees	1833.1.(c)
Supervisors of PCC Interns	1821.
SUSPENSION OF LICENSE/REGISTRATION	
Cease Practice Order	315.2., 315.4.
Criteria for Rehabilitation - Suspension or Revocation	1814.
Conduct of Proceedings	4990.42.
Clinical Social Worker	4992.4.; 4996.11.
Educational Psychologist	4990.42.
Marriage and Family Therapist	4982.3.
Professional Clinical Counselor	4990.42
Grounds for Action	490
Renewal of Suspended License	4984.2., 4989.38., 4999.108.
Unprofessional Conduct	
Clinical Social Worker and Associate	4992.3.; 1881.
Educational Psychologist	4989.54.; 1858.
Marriage and Family Therapist, MFT Intern and Trainee	4982.; 1845.
Professional Clinical Counselor, PCC Intern	4999.90., 1823.
STATEMENT OF ISSUES (DENIAL OF APPLICATION)	485.

T

TELEHEALTH	2290.5., 4980.43., 1815.5.
TRAINEES	
Definition	4980.03., 4999.12
Employment in Private Practice Prohibited	4999.34, 1833.(d)(2)
Employment as an Independent Contractor Prohibited	4980.43, 4999.47., 1833.(d)(3)
Notice to Clients	4980.48., 4999.36

T (continued)

Proprietary Interest Prohibited	4980.43., 4999.47
Professional Experience	4980.42.; 4980.43.; 4999.34, 4999.36, 1833.
Remuneration from Clients Prohibited	4980.43, 4999.47.
Responsibility Statement for Supervisors	1821., 1833.1.
Supervision Requirement	4980.43, 4999.34, 4999.36.
Trainee Services	4980.42, 4999.24.
Volunteer Services	4980.43, 4999.34.
Weekly Log of Hours of Experience	1833.(e)
TITLE PROTECTION	4980., 4989.50., 4996., 4996.13., 4999.22
TRAINING, ADDITIONAL (See COURSEWORK, ADDITIONAL)	

U

UNLICENSED ASSISTANTS (SOCIAL WORK INTERN)	4996.15.; 1880.
UNLICENSED PRACTICE	
Aiding and Abetting Unlicensed Practice	
Clinical Social Worker	4992.3.; 1881.(c)
Educational Psychologist	4989.54.
Marriage and Family Therapist	4982.
Professional Clinical Counselor	4999.90
Citations for Unlicensed Practice	1886.10.
Engaging in Practice – Prohibited	
Clinical Social Work	4996.
Educational Psychology	4989.50.
Marriage and Family Therapy	4980.
Professional Clinical Counselor	4999.30
Exemptions	
Clinical Social Work	4996.13.; 4996.14.; 4996.15.
Educational Psychology	4989.16.
Marriage and Family Therapy	4980.01.
Professional Clinical Counselor	4999.22
Penalties	4983.; 4989.66.; 4996.12., 4999.86
UNPROFESSIONAL CONDUCT	
Clinical Social Worker and Associate	4992.3; 1881.
Educational Psychologist	4989.54.; 1858.
Marriage and Family Therapist , MFT Intern and Trainee	4982.; 1845.
Professional Clinical Counselor, PCC Intern	4999.90., 1823.

V

VIOLATIONS/PENALTIES	
Clinical Social Worker and Associate	4996.12.
Educational Psychologist	4989.66.
Marriage and Family Therapist and Intern	4983.
Professional Clinical Counselor and Intern	4999.86



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