



Board of Behavioral Sciences- Related Statutory Changes

Effective January 1, 2008

ABOUT THIS DOCUMENT

- This document provides information regarding statutory changes resulting from AB 234 and SB 1048 (Statutes of 2007).
 - Changes have been footnoted to provide further guidance or explanation.
 - In some cases, an entire section has been “repealed” but the revised section is “added” back in. This is typically done when the text reorganization or revisions are extensive. For an example, see page 16, Section 4984.8.
 - In order to conserve space, any subdivisions (i.e., letters (a), (b), (c)) that are **not** being changed are not printed in this document.
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MFT-RELATED CHANGES

Business and Professions Code (BPC) Sections 4980.01, 4980.03, 4980.38, 4980.40, 4980.43, 4980.44, 4980.45, 4980.54, 4980.57, 4980.80, 4980.90, 4982, 4984.01, 4984.1, 4984.4, 4984.7, 4984.72, and 4984.8

SUMMARY OF MAJOR CHANGES

1. Makes the following types of technical changes for clarity and ease of use as follows:
 - Editorial changes
 - Corrections
 - Reorganization
 - Repeal of outdated statutes
2. Clarifies that the exempt settings statute also applies to volunteers working in such settings.
3. Limits licensure applicants to counting a maximum of 125 hours of experience providing personal psychotherapy services via telemedicine.
4. Prohibits Trainees and Interns from leasing or renting space, paying for furnishings, equipment or supplies, or in any other way paying for the obligations of their employers.
5. Permits a person licensed as a MFT in another state for at least two years, who completed a qualifying course in law and ethics out of state, to meet the **California** law and ethics requirement by taking an 18 hour course.
6. Clarifies that persons who live in California yet attend a school located outside of California must meet the same educational requirements for registration or licensure as persons who attend school in California.
7. Permits a person licensed as a MFT in another state to count hours of experience gained within the six-year period preceding the applicant's initial licensure in that state.
8. Permits an applicant with a degree earned outside of California to make up for deficiencies in units or content if the applicant's degree contains the required number of practicum units and the required amount of coursework in marriage, family and child counseling and marital and family systems approaches to treatment.
9. Lists all types of unprofessional conduct in one section and adds the following to the definition of unprofessional conduct:
 - A willful violation of the Health and Safety Code pertaining to release of client records.
 - A violation of the telemedicine statute.
10. Decreases the amount of time a license can remain delinquent from five years to three years. After the three-year period has elapsed, the license is cancelled.
11. Makes a number of technical changes related to fee and renewal statutes for consistency and clarity. Includes clarifying that an expired license is subject to the delinquency fee.
12. Changes the name of the "Application for State Licensure" to "Application for Examination Eligibility" to better clarify the purpose of the application.

Section 4980.01 is AMENDED:¹

[(a) & (b) - no changes]

(c) (1) This chapter shall not apply to an employee of a governmental entity or of a school, college, or university, or of an institution both nonprofit and charitable working in any of the following settings if his or her practice work is performed solely under the supervision of the entity, school, or organization 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. 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) - no changes]

(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.

Section 4980.03 is AMENDED:

[(a) – (f) – no changes]

(g) "Supervisor," as used in this chapter, means an individual who meets all of the following requirements:²

(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 psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) Has not provided therapeutic services to the trainee or intern.

~~(3) Has been licensed or certified for at least two years prior to acting as a supervisor.~~

~~(4)-(3)~~ Has a current and valid license that is not under suspension or probation.

~~(5)-(4)~~ Complies with supervision requirements established by this chapter and by board regulations.

~~(h) "Professional enrichment activities," as used in this chapter, include both of the following:³~~

¹ Technical changes for clarity, and paragraph (c)(2) is new, clarifying that the exemptions also apply to volunteers.

² Technical changes for clarity.

³ Moved to 4980.43(1)

~~(1) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor.~~

~~(2) Participation by the applicant in group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional.~~

Section 4980.38 is AMENDED:

~~[(a) & (b) - no changes]~~

~~(c) An applicant for an intern registration who has completed a program to update his or her degree in accordance with paragraph (1) of subdivision (i) of Section 4980.40 shall furnish to the board certification by the chief academic officer of a school, college, or university accredited by the Western Association of Schools and Colleges, or from a school, college, or university meeting accreditation standards comparable to those of the Western Association of Schools and Colleges, that the applicant has successfully completed all academic work necessary to comply with the current educational requirements for licensure as a marriage and family therapist.⁴~~

Section 4980.40 is AMENDED:

~~[(a) – (h) – no changes]~~

~~(i) (1) An applicant applying for intern registration who, prior to December 31, 1987, met the qualifications for registration, but who failed to apply or qualify for intern registration may be granted an intern registration if the applicant meets all of the following criteria:⁵~~

~~(A) The applicant possesses a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, counseling with an emphasis in marriage, family, and child counseling, or social work with an emphasis in clinical social work obtained from a school, college, or university currently conferring that degree that, at the time the degree was conferred, was accredited by the Western Association of Schools and Colleges, and where the degree conferred was, at the time it was conferred, specifically intended to satisfy the educational requirements for licensure by the Board of Behavioral Sciences.~~

~~(B) The applicant's degree and the course content of the instruction underlying that degree have been evaluated by the chief academic officer of a school, college, or university accredited by the Western Association of Schools and Colleges to determine the extent to which the applicant's degree program satisfies the current educational requirements for licensure, and the chief academic officer certifies to the board the amount and type of instruction needed to meet the current requirements.~~

~~(C) The applicant completes a plan of instruction that has been approved by the board at a school, college, or university accredited by the Western Association of Schools and Colleges that the chief academic officer of the educational institution has, pursuant to subparagraph (B), certified will meet the current educational requirements when considered in conjunction with the original degree.~~

⁴ Outdated.

⁵ All of (i) is outdated.

~~(2) A person applying under this subdivision shall be considered a trainee, as that term is defined in Section 4980.03, once he or she is enrolled to complete the additional coursework necessary to meet the current educational requirements for licensure.~~

~~(j)~~ (i) An applicant for licensure trained in 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 a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau of Private Postsecondary and Vocational Education. 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 (NACES), and shall provide any other documentation the board deems necessary.

Section 4980.43 is AMENDED:

(a) Prior to applying for licensure examinations, each applicant shall complete experience that shall comply with the following:

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

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

(3) Not less than 1,700 hours of supervised experience completed subsequent to the granting of the qualifying master's or doctor's degree.

(4) Not more than 1,300 hours of experience obtained prior to completing a master's or doctor's degree. This experience shall be composed as follows:

(A) Not more than 750 hours of counseling and direct supervisor contact.

(B) Not more than 250 hours of professional enrichment activities, excluding personal psychotherapy as described in paragraph (2) of subdivision (l).

(C) Not more than 100 hours of personal psychotherapy as described in paragraph (2) of subdivision (l). The applicant shall be credited for three hours of experience for each hour of personal psychotherapy.

(5) No hours of experience may be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction and becoming a trainee except for personal psychotherapy.

(6) No hours of experience gained more than six years prior to the date the application for licensure was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (b) of Section 4980.40 shall be exempt from this six-year requirement.

(7) Not more than ~~4000~~ a total of 1,000 hours of experience for direct supervisor contact and professional enrichment activities.

(8) Not more than 500 hours of experience providing group therapy or group counseling.

(9) Not more than 250 hours of postdegree experience administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes. ⁶

(10) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.

(11) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

(12) Not more than 125 hours of experience providing personal psychotherapy services via telemedicine in accordance with Section 2290.5. ⁷

[(b) – (d) - no changes]

(e) (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 (d), 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 ~~enumerated in subdivision (f) of Section 4980.40 that has satisfied the requirements of~~ 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. ⁸

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

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

[(g) & (h) - no changes]

(i) 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

⁶ Technical change for clarity.

⁷ New limitation.

⁸ Technical correction.

employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in ~~the employer's business~~ 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.⁹

[(j) & (k) - no changes]

(l) For purposes of this chapter, "professional enrichment activities" includes the following:¹⁰

(1) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor.

(2) Participation by the applicant in personal psychotherapy which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional.

Section 4980.44 is AMENDED:

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

~~(1) (a)~~ Have earned at least Possess, at a minimum, a master's degree as specified in Section 4980.40.

~~(2) (b)~~ Be registered Register with the board prior to ~~the intern~~ performing any duties, except as otherwise provided in subdivision (e) of Section 4980.43.

~~(3)~~ File for renewal of registration annually for a maximum of five years after initial registration with the board. Renewal of registration shall include filing an application for renewal, paying a renewal fee of seventy-five dollars (\$75), and notifying 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 issuance of the initial registration or the registrant's last renewal.¹¹

~~(4) (c)~~ Inform each client or patient prior to performing any professional services that he or she is unlicensed and under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

~~(5)~~ Continued employment as an unlicensed marriage and family therapist intern shall cease after six years unless the requirements of subdivision (b) are met. No registration shall be renewed or reinstated beyond the six years from initial issuance regardless of whether it has been revoked.¹²

~~(b)~~ When no further renewals are possible, an applicant may apply for and obtain new intern registration status if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant who is issued a subsequent

⁹ New requirement.

¹⁰ Moved from 4980.03(h).

¹¹ Moved to 4984.01(b).

¹² Moved to 4984.01(c).

~~intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.~~¹³

Section 4980.45 is AMENDED:

~~(a) A licensed professional in private practice who is a marriage and family therapist, a psychologist, a clinical social worker, a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician who has completed a residency in psychiatry and who is described in subdivision (f) of Section 4980.40~~ has satisfied the requirements of subdivision (g) of Section 4980.03 may supervise or employ, at any one time, no more than two unlicensed marriage and family therapist registered interns in that private practice.¹⁴

(b) A marriage and family therapy corporation may employ, at any one time, no more than two registered interns for each employee or shareholder who ~~is qualified to provide supervision pursuant to subdivision (f) of Section 4980.40~~ has satisfied the requirements of subdivision (g) of Section 4980.03. In no event shall any corporation employ, at any one time, more than 10 registered interns. In no event shall any supervisor supervise, at any one time, more than two registered interns. Persons who supervise interns shall be employed full time by the professional corporation and shall be actively engaged in performing professional services at and for the professional 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.¹⁵

Section 4980.54 is AMENDED:

[(a) & (b) – no changes]

~~(c) (1)~~ Except as provided in subdivision (e), ~~on and after January 1, 2000,~~ 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.

~~(2) For those persons renewing during 1999, 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 18 hours of approved continuing education in or relevant to the field of marriage and family therapy, as determined by the board. The coursework of continuing education described in this paragraph may be taken on or after the effective date of the continuing education regulations adopted by the board pursuant to the other provisions of this section.~~¹⁶

[(d) - (e) – no changes]

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

¹³ Moved to 4984.01(c).

¹⁴ Technical correction.

¹⁵ Technical correction.

¹⁶ Outdated.

(1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.40. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, including, but not limited to, a professional marriage and family therapist association, a licensed health facility, a governmental entity, a continuing education unit of an accredited four-year institution of higher learning, or a mental health professional association, approved by the board.

~~(3)-(g)~~ (g) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (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 the requirements of this section or any regulation adopted pursuant to this section.

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

~~(h)-(i)~~ (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.

~~(i) On and after January 1, 1997, the~~ (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.

~~(j)-(k)~~ (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.

Section 4980.57 is AMENDED:

[(a) – no change]

(b) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required under ~~paragraph (1) of~~ subdivision (c) of Section 4980.54.

~~(c) This section shall become operative on January 1, 2004.~~

Section 4980.80 is AMENDED:

The board may issue a license to ~~any a~~ person who, at the time of application, has held for at least two years a valid license issued by a board of marriage counselor examiners, marriage therapist examiners, or corresponding authority of any state, if the education and supervised experience requirements are substantially the equivalent of this chapter and the person successfully completes the board administered licensing examinations as specified by subdivision (g) of Section 4980.40 and pays the fees specified. Issuance of the license is further conditioned upon the person's completion of the following coursework or training:

(a) (1) A-An applicant who completed a two semester or three quarter unit course in California law and professional ethics for marriage, family, and child counselors and family therapists that shall include included areas of study as specified in Section 4980.41 as part of his or her qualifying degree shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, the following subjects: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, requirements of the Health Insurance Portability and Accountability Act of 1996, 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 patients.¹⁷

(2) An applicant who has not completed a two semester or three quarter unit course in law and professional ethics for marriage and family therapists that included areas of study as specified in Section 4980.41 as part of his or her qualifying degree, shall complete a two semester or three quarter unit course in California law and professional ethics that includes, at minimum, the areas of study specified in Section 4980.41.

Section 4980.90 is AMENDED:

(a) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by this chapter and if the applicant has gained a minimum of 250 hours of supervised experience in direct counseling within California while registered as an intern with the board. The board shall consider hours of experience obtained in another state during the six- year period immediately preceding the applicant's initial licensure by that state as a marriage and family therapist.¹⁸

(b) Education gained while residing outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to the education requirements of this chapter, and if the applicant has completed all of the following:¹⁹

(1) A two semester- or three quarter-unit course in California law and professional ethics for marriage, family, and child counselors that shall include areas of study as specified in Section 4980.41.

¹⁷ (a)(1) and (2) are new. (a)(2) is similar to prior requirement. (a)(1) permits alternative coursework. Applies only to persons licensed for two years in another state.

¹⁸ New, applies to only to persons licensed as an MFT in another state.

¹⁹ Clarification that a person who lives in California but attends school in another state must meet California's educational requirements.

(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 sexuality as specified in Section 25 and any regulations promulgated thereunder.

(4) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency as specified by regulation.

(5) (A) Instruction in spousal or partner abuse assessment, detection, and intervention. This instruction may be taken either in fulfillment of other educational requirements for licensure or in a separate course.

(B) On and after January 1, 2004, a minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(6) On and after January 1, 2003, a minimum of a two semester- or three quarter-unit survey course in psychological testing. This course may be taken either in fulfillment of other requirements for licensure or in a separate course.

(7) On and after January 1, 2003, a minimum of a two semester- or three quarter-unit survey course in psychopharmacology. This course may be taken either in fulfillment of other requirements for licensure or in a separate course.

(8) With respect to human sexuality, alcoholism and other chemical substance dependency, spousal or partner abuse assessment, detection, and intervention, psychological testing, and psychopharmacology, the board may accept training or coursework acquired out of state.

(c) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant meets both of the following requirements:²⁰

(1) The applicant has been granted a degree in a single integrated program primarily designed to train marriage, family, and child counselors and if the family therapists.

(2) The applicant's education meets the requirements of Sections 4980.37 and 4980.40. The degree title and number of units in the degree program need not be identical to those required by subdivision (a) of Section 4980.40. If the applicant's degree does not contain the number of units content required by subdivision (a) of Section 4980.37 or the overall number of units required by subdivision (a) of Section 4980.40, the board may, in its discretion, accept the applicant's education as substantially equivalent if the following criteria are satisfied:

(A) The applicant's degree otherwise complies with this section and the applicant completes the units required by subdivision (a) of contains the required number of practicum units and coursework required in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment as specified in Section 4980.40.

(B) The applicant remediates his or her specific deficiency by completing the course content required by Section 4980.37 or the units required by subdivision (a) of Section 4980.40.

(C) The applicant's degree otherwise complies with this section.

²⁰ New. Permits an applicant who earned a degree outside of California to make up for unit or content deficiencies, when that degree meets the minimum practicum and MFT-specific content requirements.

Section 4982 is AMENDED:

The board may ~~refuse to issue any~~ deny a license or registration or license, or may suspend or revoke the license or registration of ~~any registrant or a licensee or registrant~~ if the applicant, licensee, or registrant ~~he or she~~ has been guilty of unprofessional conduct. Unprofessional conduct ~~shall include~~ includes, but ~~is not be~~ limited to, the following.²¹

[(a) – (l) – no changes]

(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~~ that is obtained from tests or other means.

[(n) – (v) – no changes]

(w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.²²

(x) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.²³

(y) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.²⁴

(z) Failure to comply with Section 2290.5.²⁵

Section 4984.01 is ADDED:

(a) The marriage and family therapist intern registration shall expire one year from the last day of the month in which it was issued.²⁶

(b) To renew the registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:²⁷

(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 against him or her by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

²¹ Technical changes for clarity.

²² From 16CCR§1845(c)

²³ From 16CCR§1845(d)

²⁴ New, related to the requirements pertaining to the release of records.

²⁵ New, related to the practice of telemedicine.

²⁶ From 16CCR§1846.

²⁷ Moved from 4980.54(b).

(c) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a new intern registration if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant who is issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.²⁸

Section 4984.1 is AMENDED:²⁹

~~A license that has expired licensee may be renewed renew a license at any time within five three years after its expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last regular renewal date. If the license is renewed after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter by completing all of the actions described in subdivision (b) of Section 4984 and paying any delinquency fees.~~

Section 4984.4 is AMENDED:

A license that is not renewed within ~~five~~ three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, ~~but; however,~~ however, the licensee may apply for and obtain a new license if the following criteria are satisfied:³⁰

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

(b) ~~He or she pays the fees that would be required if he or she were applying for a license for the first time~~ submits an application for examination eligibility and the fee for that application.³¹

(c) ~~He or she takes and passes the current licensing examinations as specified in subdivision (g) of Section 4980.40.~~

(d) He or she submits the fee for initial license issuance.³²

Section 4984.7 is REPEALED: (see next section for new language)

~~The amount of the fees prescribed by this chapter that relate to licensing of persons to engage in the business of marriage and family therapy is that established by the following schedule:~~

~~(a) The fee for applications for examination received on or after January 1, 1987, shall be one hundred dollars (\$100).~~

²⁸ Moved from 4980.54(c).

²⁹ Decreases the amount of time a license can remain delinquent from five years to three years. Also makes technical changes for clarity.

³⁰ Decreases the amount of time a license can remain delinquent from five years to three years. Also makes technical changes for clarity.

³¹ Clarifies that an application must also be submitted, and provides a new name for the application for licensure.

³² Clarification of current practice.

~~(b) The fee for issuance of the initial license shall be a maximum of one hundred eighty dollars (\$180).~~

~~(c) For those persons whose license expires on or after January 1, 1996, the renewal fee shall be a maximum of one hundred eighty dollars (\$180).~~

~~(d) The delinquency fee shall be ninety dollars (\$90). Any person who permits his or her license to become delinquent may have it restored only upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all outstanding delinquency fees.~~

~~(e) For those persons registering as interns on or after January 1, 1996, the registration fee shall be seventy-five dollars (\$75).~~

~~(f) For those persons whose registration as an intern expires on or after January 1, 1996, the renewal fee shall be seventy-five dollars (\$75).~~

~~(g) The standard written examination fee shall be one hundred dollars (\$100). After successfully passing the standard written examination, each applicant for the clinical vignette written examination shall submit one hundred dollars (\$100). Applicants failing to appear for any examination, once having been scheduled, shall forfeit any examination fees paid. Effective January 1, 2005, the examination fees for the standard written and clinical vignette written examinations shall be based on the actual cost to the board of developing, purchasing, and grading of each examination, plus 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.~~

~~(h) An applicant who fails any standard or clinical vignette written examination may within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of one hundred dollars (\$100) for the standard written reexamination and one hundred dollars (\$100) for the clinical vignette written reexamination. 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. Persons failing to appear for the reexamination, once having been scheduled, shall forfeit any reexamination fees paid.~~

~~(i) The fee for rescoring any written examination shall be twenty dollars (\$20).~~

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

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

Section 4984.7 is ADDED: ³³

(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).

³³ Places all fees in one section; reorganizes; and makes technical clarifying changes, except as noted.

(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).³⁴

(4) The fee for the standard written examination shall be one hundred dollars (\$100). The fee for the clinical vignette 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).³⁵

(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.³⁶

(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).

(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.

Section 4984.72 is ADDED:³⁷

An applicant who fails a standard or clinical vignette written 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.

³⁴ New name for "Application for State Licensure."

³⁵ Clarifies the fee to renew an inactive license.

³⁶ Clarifies the delinquency fee and who is subject to it.

³⁷ Moved from 4984.7(h).

Section 4984.8 is REPEALED: (see next section for reorganized language)

~~A licensed marriage and family therapist 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 pay a biennial fee of half of the active renewal fee and shall be exempt from continuing education requirements specified in Section 4980.54, but shall otherwise be subject to this chapter and shall not engage in the practice of marriage and family therapy in this state. A licensee on inactive status who has not committed any acts or crimes constituting grounds for denial of licensure may, upon his or her request, have his or her license to practice marriage and family therapy placed on active status. A licensee requesting his or her license to be placed on active status at any time between a renewal cycle shall pay the remaining half of the renewal fee. A licensee requesting to reactivate from an inactive status whose license will expire less than one year from the date of the request shall be required to complete 18 hours of continuing education for license renewal. A licensee requesting to reactivate from an inactive status whose license will expire more than one year from the date of the request shall be required to complete 36 hours of continuing education for license renewal.~~

Section 4984.8 is ADDED: ³⁸

(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.

³⁸ Technical reorganization for ease of use.

LEP-RELATED CHANGES

BPC Sections 4989.20, 4989.34, 4989.36, 4989.42, 4989.44, and 4989.54

SUMMARY OF MAJOR CHANGES

1. Makes technical changes to clarify experience requirements.
2. Restores the Board's ability to accept the following types of experience gained more than six years prior to application for licensure:
 - One year of supervised experience earned in a school psychology program
 - One year of supervised experience as a credentialed school psychologist in a public school.
3. Restores the Board's ability to deem different degree titles as equivalent.
4. Repeals the continuing education (CE) exemption for persons who hold a pupil personnel services credential (the Commission on Teacher Credentialing no longer requires CE).
5. Changes the CE requirement from 150 hours every five years to 36 hours every two years. *(NOTE: The CE requirement will not be implemented until regulations have been passed – this will take at least one year).*
6. Decreases the amount of time a license can remain delinquent from five years to three years. After the three-year period has elapsed, the license is cancelled.
7. Adds a willful violation of the Health and Safety Code pertaining to release of client records to the definition of unprofessional conduct.

Section 4989.20 is AMENDED:¹

(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, ~~or 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) Completion of three years of full-time experience as a credentialed school psychologist in the public schools. At least one year of the experience required by this paragraph shall be supervised professional experience in an accredited school psychology program or obtained~~

¹ Reverses several changes that had been made by SB 1475 (2006). Also makes technical clarifying changes.

~~under the direction of a licensed psychologist or a licensed educational psychologist. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.~~

(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.

~~(6)-(7)~~ Passage of an examination specified by the board.

Section 4989.34 is AMENDED:²

(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 ~~60~~36 hours of approved continuing education in, or relevant to, educational psychology.

~~(b) Notwithstanding subdivision (a), a licensee who possesses a current pupil personnel services credential issued on or after July 1, 1994, shall be exempt from the continuing education requirement.~~

~~(c)-(b)~~ (1) The continuing education shall be obtained from either an accredited university or a continuing education provider approved by the board.

(2) The board shall establish, by regulation, a procedure for approving 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 the requirements of this section or any regulation adopted pursuant to this section.

~~(d)-(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.

² Decreases CE requirement and deletes the CE exemption for those who hold a PPS credential.

~~(e)~~ (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.

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

~~(g)~~ (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.

~~(h)~~ (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.

Section 4989.36 is AMENDED:³

A licensee may renew a license that has expired at any time within ~~five~~ 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.

Section 4989.42 is AMENDED:⁴

A license that is not renewed within ~~five~~ three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter. A 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.

Section 4989.44 is AMENDED:⁵

[(a) - (c) – no changes]

(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 ~~30~~ 18 hours of continuing education

³ Decreases the amount of time a license can remain delinquent from five years to three years.

⁴ Decreases the amount of time a license can remain delinquent from five years to three years.

⁵ Decreases CE hour requirements.

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 ~~60~~36 hours of continuing education as specified in Section 4989.34.

Section 4989.54 is AMENDED:

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) – (w) – no changes]

(x) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.⁶

⁶ New, related to requirements pertaining to release of records.

LCSW-RELATED CHANGES

BPC Sections 4992.3, 4992.10, 4996.3, 4996.4, 4996.6, 4996.14, 4996.18, 4996.22, 4996.28, and 4997

SUMMARY OF MAJOR CHANGES

1. Lists all types of unprofessional conduct in one section and adds the following to the definition of unprofessional conduct:
 - A willful violation of the Health and Safety Code pertaining to release of client records.
 - A violation of the telemedicine statute.
2. Decreases the amount of time a license can remain delinquent from five years to three years. After the three-year period has elapsed, the license is cancelled.
3. Makes a number of technical changes related to fee and renewal statutes for consistency and clarity, including listing all fees in one section, and clarifying that an expired license is subject to the delinquency fee.
4. Changes the name of the “Application for State Licensure” to “Application for Examination Eligibility” to better clarify the purpose of the application.
5. Repeals the statute pertaining to extensions of an ASW registration. Requires an ASW to obtain a new registration (if needed) once his or her registration is no longer renewable.
6. Prohibits a LCSW from using a name that is false, misleading, or deceptive, and requires the licensee to inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice. This is consistent with MFT statute.
7. Aligns exempt practice settings with those specified in MFT statute. The exempt settings are now as follows:
 - A governmental entity.
 - A school, college, or university.
 - An institution that is both nonprofit and charitable.

Also clarifies that the exempt settings statute applies to volunteers working in such settings.

Section 4992.3 is AMENDED:

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

[(a) – (l) – no changes]

(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~~ that is obtained from tests or other means.

[(n) – (s) – no changes]

(t) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.¹

(u) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.²

(v) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.³

(w) Failure to comply with Section 2290.5.⁴

Section 4992.10 is ADDED:⁵

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.

Section 4996.3 is REPEALED: (see next section for reorganized language)

~~(a) Each application for the standard written examination received on or after January 1, 1999, shall be accompanied by an application fee of one hundred dollars (\$100) and a fee of up to one hundred fifty dollars (\$150), including the standard written examination fee and related administrative costs for the standard written examination. After successfully passing the standard written examination, each applicant shall submit one hundred dollars (\$100) for the clinical vignette written examination. Applicants failing to appear for any examination, once having been scheduled, shall forfeit any examination fees paid. Effective January 1, 2005, the examination fees for the standard written and clinical vignette written examinations shall be based on the actual cost to the board of developing, purchasing, and grading of each examination, plus 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.~~

~~(b) The fee for rescoring any written examination shall be twenty dollars (\$20).~~

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

~~(d) 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.~~

¹ From 16CCR§1881(o).

² From 16CCR§1881(p).

³ New, related to requirements pertaining to release of records.

⁴ New, related to the practice of telemedicine.

⁵ New, added for consistency with MFT statute.

Section 4996.3 is ADDED: ⁶

(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). ⁷

(4) The fee for the standard written examination shall be a maximum of one hundred fifty dollars (\$150). The fee for the clinical vignette 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). ⁸

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

(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).

(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.

⁶ Reorganized. All fees are now in one section.

⁷ New name for "Application for State Licensure."

⁸ Clarifies the fee to renew an inactive license.

⁹ Clarifies the delinquency fee and who is subject to it.

Section 4996.4 is AMENDED:

~~Notwithstanding Section 4996.3, an applicant who has failed any standard or clinical vignette written examination may apply for reexamination upon payment of the fee of up to one hundred fifty dollars (\$150) including the examination fee and related administrative costs.¹⁰ An applicant who fails a standard or clinical vignette written 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 required. Applicants failing to appear for reexamination, once having been scheduled, shall forfeit any reexamination fees paid.¹¹~~

Section 4996.6 is AMENDED:

~~(a) The renewal fee for licenses that expire on or after January 1, 1996, shall be a maximum of one hundred fifty five dollars (\$155) and shall be collected on a biennial basis by the board in accordance with Section 152.6. The fees shall be deposited in the State Treasury to the credit of the Behavioral Sciences Fund.¹²~~

~~(b) (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.

~~(c) (b)~~ To renew an unexpired license, the licensee shall, on or before the expiration date of the license, ~~de~~ 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.

~~(d) If the (c) To renew an expired license is renewed after within three years of its expiration, the licensee shall, as a condition precedent to renewal, also complete all of the actions described in subdivision (b) and pay a delinquency fee of seventy five dollars (\$75).¹³~~

~~(e) Any person who permits his or her license to become delinquent may have it restored at any time within five years after its expiration upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of all delinquency fees.~~

~~(f) (d)~~ A license that is not renewed within ~~five~~ three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter; however, the licensee may apply for and obtain a new license if he or she satisfies all of the following requirements:¹⁴

¹⁰ Simplified and moved to 4996.3(a)(4).

¹¹ Moved to 4996.3(a)(4)(A).

¹² Moved to 4996.3(a)(7). Deposit of fees addressed in 4990.22.

¹³ Decreases the amount of time a license can remain delinquent from five years to three years. Also makes technical changes for clarity.

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

~~(2) He or she pays the fees that would be required if he or she were applying for a license for the first time submits an application for examination eligibility.~~¹⁵

~~(3) He or she takes and passes the current licensing examinations as specified in Section 4996.4.~~

~~(g) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20).~~¹⁶

~~(h) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).~~¹⁷

(4) He or she submits the fees for examination eligibility and for initial license issuance.¹⁸

Section 4996.14 is REPEALED: (see next section for new language)

~~Nothing in this chapter shall restrict or prevent activities of a psychosocial nature or the use of the official title of the position for which they are employed on the part of the following persons, if those persons are performing those activities as part of the duties for which they are employed or solely within the confines or under the jurisdiction of the organization in which they are employed. However, they shall not offer to render clinical social work services, as defined in Section 4996.9, to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of their official duties with the organization in which they are employed.~~

~~(a) Persons employed by the United States Department of Health and Human Services.~~

~~(b) Persons employed in family or children services agencies.~~

~~(c) Individuals employed in proprietary or nonproprietary private psychiatric clinics.~~

~~(d) Individuals employed in accredited colleges, junior colleges, or universities.~~

~~(e) Individuals employed in federal, state, county or municipal governmental organizations, or nonprofit organizations which are engaged in research, education, and services which services are defined by a board composed of community representatives and professionals.~~

~~(f) Persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry, or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders.~~

¹⁴ Decreases the amount of time a license can remain delinquent from five years to three years. Also makes technical changes for clarity.

¹⁵ Changes name of "Application for State Licensure."

¹⁶ Moved to 4996.3(a)(10).

¹⁷ Moved to 4996.3(a)(11).

¹⁸ Clarifies the fees required.

Section 4996.14 is ADDED: ¹⁹

(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.

Section 4996.18 is AMENDED:

(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 and shall be accompanied by a fee of seventy five dollars (\$75). An board.

(b) An applicant for registration shall (1) possess-satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work, ~~and~~

~~(2) not have.~~ (2) Have committed any ~~no~~ crimes or acts constituting grounds for denial of licensure under Section 480. ~~On and after January 1, 1993, an~~

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has

¹⁹ Changed for consistency with MFT statutes.

received accreditation by the Commission on Accreditation of the Council on Social Work Education.

~~(b) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. A registration may be renewed annually after initial registration by filing on or before the date on which the registration expires, an application for renewal, paying a renewal fee of seventy-five dollars (\$75), and notifying 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 any regulatory or licensing board in this or any other state, subsequent to the issuance of the initial registration or registrant's last renewal. Each person who registers or has registered as an associate clinical social worker, may retain that status for a total of six years.~~²⁰

~~(c) Notwithstanding the limitations on the length of an associate registration in subdivision (b) an associate may apply for, and the board shall grant, one-year extensions beyond the six-year period when no grounds exist for denial, suspension, or revocation of the registration pursuant to Section 480. An associate shall be eligible to receive a maximum of three one-year extensions. An associate who practices pursuant to an extension shall not practice independently and shall comply with all requirements of this chapter governing experience, including supervision, even if the associate has completed the hours of experience required for licensure. Each extension shall commence on the date when the last associate renewal or extension expires. An application for extension shall be made on a form prescribed by the board and shall be accompanied by a renewal fee of fifty dollars (\$50). An associate who is granted this extension may work in all work settings authorized pursuant to this chapter.~~²¹

~~(d) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.~~²²

~~(e) 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.~~²³

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

~~(g)-(e)~~ 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 4996.20, 4996.21, or 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.

²⁰ Fee moved to 4996.3(a)(2), renewal moved to 4996.28

²¹ Extensions repealed. See 4996.28(b) regarding applying for a new registration.

²² Moved to (g)

²³ Moved to (h)

~~(h)-(f)~~ 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.

~~(g) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.~~²⁴

~~(h) 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.~~²⁵

Section 4996.22 is AMENDED:

(a) (1) Except as provided in subdivision (c), ~~on and after January 1, 2000,~~ 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) For those persons renewing during 1999, 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 18 hours of approved continuing education in or relevant to the field of social work, as determined by the board. The coursework of continuing education described in this paragraph may be taken on or after the effective date of the continuing education regulations adopted by the board pursuant to the other provisions of this section.~~²⁶

~~(3)-(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) & (c) – no changes]

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

²⁴ Moved from (d).

²⁵ Moved from (e).

²⁶ Outdated.

(1) An accredited school of social work, as defined in Section ~~4990.4~~ 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, including, but not limited to, a professional social work association, a licensed health facility, a governmental entity, a continuing education unit of an accredited four-year institution of higher learning, and a mental health professional association, approved by the board.

~~(3)-(e)~~ (e) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to 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 the requirements of this section or any regulation adopted pursuant to this section.

~~(e)-(f)~~ (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.

~~(f)-(g)~~ (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.

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

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

~~(i) On and after January 1, 1997, the~~ (j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Science Examiners 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.

~~(j) This section shall become operative on January 1, 2004.~~

Section 4996.28 is ADDED: ²⁷

(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.

(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 new associate clinical social worker registration if the applicant meets all requirements for registration in effect at the time of his or her application for a new associate clinical social worker registration. ²⁸

Section 4997 is REPEALED: (see next section for reorganized language)

~~A licensed clinical social worker 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 pay a biennial fee of half of the active renewal fee and shall be exempt from continuing education requirements specified in Section 4996.22, but shall otherwise be subject to this chapter and shall not engage in the practice of licensed clinical social work in this state. A licensee on inactive status who has not committed any acts or crimes constituting grounds for denial of licensure may, upon his or her request, have his or her license to practice licensed clinical social work placed on active status. A licensee requesting his or her license to be placed on active status between renewal cycles shall pay the remaining half of the renewal fee. A licensee requesting to reactivate from an inactive status whose license will expire less than one year from the date of the request shall be required to complete 18 hours of continuing education for license renewal. A licensee requesting to reactivate from an inactive status whose license will expire more than one year from the date of the request shall be required to complete 36 hours of continuing education for license renewal.~~

Section 4997 is ADDED: ²⁹

(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.

²⁷ Moved from 4996.18

²⁸ ASW extensions are repealed, so this is the new requirement for renewing when the initial registration is no longer renewable.

²⁹ Restructured for clarity.

(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.