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**POLICY AND ADVOCACY COMMITTEE MEETING NOTICE**  
**February 3, 2017**  
**10:00 a.m.**

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

1. Call to Order and Establishment of Quorum
2. Introductions\*
3. Approval of the September 30, 2016, Committee Meeting Minutes
4. Discussion and Possible Recommendation Regarding Proposed Rulemaking to Amend California Code of Regulations, Title 16, Sections 1823 – Unprofessional Conduct; 1845 - Unprofessional Conduct; 1858 - Unprofessional Conduct; 1881 – Unprofessional Conduct; and 1886.40 - Amount of Fines
5. Discussion and Possible Recommendation Regarding Proposed Rulemaking to Amend California Code of Regulations, Title 16, Section 1888 – Uniform Standards Related to Substance Abuse and Disciplinary Guidelines
6. Discussion and Possible Recommendation Regarding Proposed Rulemaking to Amend California Code of Regulations, Title 16, Sections 1804 – Filing of Addresses; 1805 – Applications; 1820.7 – Confirmation of Qualifications to Treat Couples and Families; and 1856 - Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist
7. Discussion and Possible Recommendation Regarding Proposed Rulemaking to Amend California Code of Regulations, Title 16, Section 1820.5 – Exemptions for Working with Couples or Families
8. Discussion and Possible Recommendation Regarding Assembly Bill 93 (Medina) – Healing Arts: Marriage and Family Therapists, Clinical



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

Social Workers, Professional Clinical Counselors: Required Experience and Supervision

9. Discussion and Possible Recommendation Regarding Proposed Board Policy to Remove Board Newsletters from the Board Website
10. Discussion and Possible Recommendation to Rescind Board Policy L-98-01 Inactive Licenses
11. Status of Board-Sponsored 2017 Legislation
  - a. Assembly Bill 93 (Medina) - Healing Arts: Marriage and Family Therapists, Clinical Social Workers, Professional Clinical Counselors: Required Experience and Supervision
  - b. Board 2017 Omnibus Bill – Proposed Technical and Non-Substantive Amendments to Business and Professions Code Sections 801, 801.1, 802, 4980.09, 4999.12.5, 4980.44, 4984.7, 4999.32, 4999.42, 4999.53, 4999.62, 4999.63, 4999.120, 4984.4, 4984.7, 4996.3, 4996.6, 4999.32, 4999.33, 4999.60, 4999.61, 4984.9, 4992.8, 4989.46, 4999.18, 4980.72, 4996.17, 4999.53; Evidence Code Section 1010(f)(o); and Penal Code Section 11165.7(a)(25)and (a)(40).
12. Status of Board Rulemaking Proposals
  - a. English as a Second Language: Additional Examination Time: Add Title 16. California Code of Regulations Section 1805.2
13. Suggestions for Future Agenda Items
14. Public Comment for Items not on the Agenda
15. Adjournment

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*\*Introductions are voluntary for members of the public.*

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

*This agenda as well as Board meeting minutes can be found on the Board of Behavioral Sciences website at [www.bbs.ca.gov](http://www.bbs.ca.gov).*

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

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**To:** Policy and Advocacy Committee Members      **Date:** January 20, 2017  
**From:** Christy Berger  
Regulatory Analyst      **Telephone:** (916) 574-7817  
**Subject:** **Committee Meeting Minutes: September 30, 2016**

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The Policy and Advocacy Committee Meeting Minutes will be provided at the meeting.

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**To:** Committee Members

**Date:** January 24, 2017

**From:** Rosanne Helms  
Legislative Analyst

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

**Subject: Enforcement Regulations: Unprofessional Conduct**

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Staff is proposing several revisions to the Board's enforcement regulations, including regulations related to unprofessional conduct and the Board's ability to levy fines.

### Proposed Changes

**1. Unprofessional Conduct Sections: Delete Provisions that are Already in Statute (§§ 1845 (LMFTs), 1858 (LEPs), and 1881 (LCSWs))**

Each of the Board's four license types has its own unprofessional conduct section, in both statute and regulations, outlining actions that constitute unprofessional conduct. Some of the provisions in regulation duplicate provisions already in statute. Proposed amendments delete the duplicative provisions in regulation.

**2. Unprofessional Conduct Sections: Certified Copies of Records (§§1823 (LPCCs), 1845, 1858, and 1881)**

Each of these unprofessional conduct sections requires licensees or registrants to provide copies of records to the Board upon request for investigative purposes. Failure to do so is considered unprofessional conduct. In order to ensure the authenticity of the records, the Enforcement Unit requires certified copies from the issuing agency. However, the guidelines do not currently state that the copies must be certified. Therefore, the sections are being amended for clarity, so that this is specifically stated.

**3. Unprofessional Conduct Sections: Failure to Cooperate in an Investigation (§§1823, 1845, 1858, and 1881)**

Current regulations state that it is unprofessional conduct to fail to cooperate in a board investigation pending against the licensee or registrant. DCA Legal has recommended this sentence be change to state that it is unprofessional conduct to fail to cooperate in a board investigation pending against a licensee or a registrant. This way, if a licensee or registrant failed to cooperate when needed in a case involving another licensee or registrant, failure to cooperate would still be a violation.

**4. Unprofessional Conduct Sections: Failure to Provide Documentation Regarding Arrest and/or Conviction (§§1823, 1845, 1858, and 1881)**

The unprofessional conduct sections currently state that a licensee or registrant must, upon request, provide documentation regarding his or her arrest. Failure to do so is unprofessional conduct.

The board also needs documentation regarding a conviction of a licensee or registrant, in order to determine if disciplinary action is needed for public protection purposes. Therefore, DCA Legal has recommended revising this language to state that it is unprofessional conduct to fail to provide, upon request of the board, documentation regarding an arrest and/or conviction. Because certified copies are needed to ensure that the information is authentic, language that the records must be certified copies has also been included.

**5. Violation of Confidentiality of Medical Information Act: Amount of Fines**

“Failure to maintain confidentiality” is listed as unprofessional conduct in statute for each of the Board’s license types (BPC §§4982(m), 4989.54(q), 4992.3(n), and 4999.90(m)).

The Confidentiality of Medical Information Act begins with Civil Code (CC) Section 56, and discusses how medical providers may and may not disclose confidential medical information. CC Section 56.36 discusses the amount of fines that may be levied for disclosing confidential medical information in violation of the law.

Section 1886.40 of the Board’s regulations defines a “citable offense” and lists the amount of fines the Board may levy for various violations of the law. It states that the Board may assess a fine of up to \$5,000 for a violation involving unlawful or unauthorized breach of confidentiality. This amount was derived from CC Section 56.36. Therefore, DCA Legal has advised that the Confidentiality of Medical Information Act be referenced in regulation Section 1886.40, in order to establish a point of reference for where the \$5,000 maximum fine amount comes from.

In addition, many of the cited sections under “authority” and “reference” for this regulation do not relate to the section. Therefore these citations have been updated to include only relevant sections.

**Recommendation**

Conduct an open discussion of the proposed regulations. Direct staff to make any discussed changes and any non-substantive changes to the proposed language and bring to the Board for consideration as a regulatory proposal.

**Attachments**

**Attachment A:** Proposed Amendments to Enforcement Regulations: Unprofessional Conduct

**Attachment B:** Civil Code Section 56.36

**ATTACHMENT A**  
**PROPOSED AMENDMENTS TO ENFORCEMENT REGULATIONS:**  
**UNPROFESSIONAL CONDUCT**

**AMEND § 1823. UNPROFESSIONAL CONDUCT.**

As used in Section 4999.90 of the eCode, unprofessional conduct includes, but is not limited to:

(a) Failure to provide to the board, as authorized by law, copies of requested 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 copies of the requested records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the requested 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. Records from law enforcement agencies, courts, or any other government entity must be certified copies.

(b) Failure to cooperate and participate in any board investigation pending against thea licensee or a 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 and/or conviction 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. Documentation provided regarding the arrest and/or conviction must be certified copies.

(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 and 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.

## AMEND §1845. UNPROFESSIONAL CONDUCT

As used in Section 4982 of the eCode, 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.~~

(ea) Failure to provide to the board, as authorized by law, copies of requested 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 copies of the requested records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the requested 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. Records from law enforcement agencies, courts or any other government entity must be certified copies.

(fb) Failure to cooperate and participate in any board investigation pending against ~~the~~ a licensee or a 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.

(gc) 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.

(~~hd~~) Failure to provide, within 30 days of a request, documentation to the Board regarding the arrest and/or conviction 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. Documentation provided regarding the arrest and/or conviction must be certified copies.

(~~ie~~) 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 and 4990.20, Business and Professions Code. Reference: Sections ~~4980.03~~, 4980.60 and 4982, Business and Professions Code; Sections ~~1000.4 and 11166~~, Penal Code; and Sections 11357, 11360, 11361.5 and 11361.7, Health and Safety Code, and Section 15630, Welfare and Institutions Code.

## **AMEND §1858. UNPROFESSIONAL CONDUCT**

As used in Section 4989.54 of the eCode, 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.~~

(~~eb~~) Failure to provide to the board, as authorized by law, copies of requested 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 copies of the requested records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the requested 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. Records from law enforcement agencies, courts or any other government entity must be certified copies.

(~~dc~~) Failure to cooperate and participate in any board investigation pending against ~~the a~~ licensee or a 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.

(~~ed~~) 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.

~~(fe)~~ Failure to provide, within 30 days of a request, documentation to the Board regarding the arrest and/or conviction 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. Documentation provided regarding the arrest and/or conviction must be certified copies.

~~(gf)~~ 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 and 4990.20, 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.

## **AMEND §1881. UNPROFESSIONAL CONDUCT**

As used in Section 4992.3 of the Cecode, 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.~~

~~(ba) Impersonates Impersonating~~ a licensee or ~~who allows~~ allowing 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.~~

~~(hb) Permits~~Permitting a person under his or her supervision or control to perform or ~~permits~~permitting 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.~~

(qc) Failure to provide to the board, as authorized by law, copies of requested 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 copies of the requested records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the requested 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. Records from law enforcement agencies, courts or any other government entity must be certified copies.

(fd) Failure to cooperate and participate in any board investigation pending against ~~the a~~ licensee or a 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.

(~~se~~) 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.

(~~tf~~) Failure to provide, within 30 days of a request, documentation to the Board regarding the arrest and/or conviction 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. Documentation provided regarding the arrest and/or conviction must be certified copies.

(~~ug~~) 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, and Sections 11357, 11360, 11361.5 and 11361.7, Health and Safety Code, and Section 15630, Welfare and Institution Code.

## **AMEND §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, and the Confidentiality of Medical Information Act (Civil Code Section 56 et seq.).

(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, [4989.18](#), and 4990.20, Business and Professions Code, [and Section 56.36, Civil Code](#). Reference: Sections ~~123, 125~~, 125.9, ~~136, 141~~, 148, 149, 480, ~~702, 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, 4989.54~~, 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, 4998.1, 4998.5~~, 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 4999.90, 4999.124, and 4999.128, 4999.76~~. Business and Professions Code; [Section 56.36, Civil Code](#); and Section 15630, Welfare and Institutions Code; [and Section 12926, Government Code](#).

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**ATTACHMENT B**  
**CIVIL CODE SECTION 56.36**

**Civil Code §56.36.**

(a) A violation of the provisions of this part that results in economic loss or personal injury to a patient is punishable as a misdemeanor.

(b) In addition to any other remedies available at law, an individual may bring an action against a person or entity who has negligently released confidential information or records concerning him or her in violation of this part, for either or both of the following:

(1) Except as provided in subdivision (e), nominal damages of one thousand dollars (\$1,000). In order to recover under this paragraph, it is not necessary that the plaintiff suffered or was threatened with actual damages.

(2) The amount of actual damages, if any, sustained by the patient.

(c) (1) In addition, a person or entity that negligently discloses medical information in violation of the provisions of this part shall also be liable, irrespective of the amount of damages suffered by the patient as a result of that violation, for an administrative fine or civil penalty not to exceed two thousand five hundred dollars (\$2,500) per violation.

(2) (A) A person or entity, other than a licensed health care professional, who knowingly and willfully obtains, discloses, or uses medical information in violation of this part shall be liable for an administrative fine or civil penalty not to exceed twenty-five thousand dollars (\$25,000) per violation.

(B) A licensed health care professional who knowingly and willfully obtains, discloses, or uses medical information in violation of this part shall be liable on a first violation for an administrative fine or civil penalty not to exceed two thousand five hundred dollars (\$2,500) per violation, on a second violation for an administrative fine or civil penalty not to exceed ten thousand dollars (\$10,000) per violation, or on a third and subsequent violation for an administrative fine or civil penalty not to exceed twenty-five thousand dollars (\$25,000) per violation. This subdivision shall not be construed to limit the liability of a health care service plan, a contractor, or a provider of health care that is not a licensed health care professional for a violation of this part.

(3) (A) A person or entity, other than a licensed health care professional, who knowingly or willfully obtains or uses medical information in violation of this part for the purpose of financial gain shall be liable for an administrative fine or civil penalty not to exceed two hundred fifty thousand dollars (\$250,000) per violation and shall also be subject to disgorgement of any proceeds or other consideration obtained as a result of the violation.

(B) A licensed health care professional who knowingly and willfully obtains, discloses, or uses medical information in violation of this part for financial gain shall be liable on a first violation for an administrative fine or civil penalty not to exceed five thousand dollars (\$5,000) per violation, on a second violation for an administrative fine or civil penalty not to exceed twenty-five thousand dollars (\$25,000) per violation, or on a third and subsequent violation for an administrative fine or civil penalty not to exceed two hundred fifty thousand dollars (\$250,000) per violation and shall also be subject to

disgorgement of any proceeds or other consideration obtained as a result of the violation. This subdivision shall not be construed to limit the liability of a health care service plan, a contractor, or a provider of health care that is not a licensed health care professional for any violation of this part.

(4) This subdivision shall not be construed as authorizing an administrative fine or civil penalty under both paragraphs (2) and (3) for the same violation.

(5) A person or entity who is not permitted to receive medical information pursuant to this part and who knowingly and willfully obtains, discloses, or uses medical information without written authorization from the patient shall be liable for a civil penalty not to exceed two hundred fifty thousand dollars (\$250,000) per violation.

(d) In assessing the amount of an administrative fine or civil penalty pursuant to subdivision (c), the State Department of Public Health, licensing agency, or certifying board or court shall consider any of the relevant circumstances presented by any of the parties to the case including, but not limited to, the following:

(1) Whether the defendant has made a reasonable, good faith attempt to comply with this part.

(2) The nature and seriousness of the misconduct.

(3) The harm to the patient, enrollee, or subscriber.

(4) The number of violations.

(5) The persistence of the misconduct.

(6) The length of time over which the misconduct occurred.

(7) The willfulness of the defendant's misconduct.

(8) The defendant's assets, liabilities, and net worth.

(e) (1) In an action brought by an individual pursuant to subdivision (b) on or after January 1, 2013, in which the defendant establishes the affirmative defense in paragraph (2), the court shall award any actual damages and reasonable attorney's fees and costs, but shall not award nominal damages for a violation of this part.

(2) The defendant is entitled to an affirmative defense if all of the following are established, subject to the equitable considerations in paragraph (3):

(A) The defendant is a covered entity or business associate, as defined in Section 160.103 of Title 45 of the Code of Federal Regulations, in effect as of January 1, 2012.

(B) The defendant has complied with any obligations to notify all persons entitled to receive notice regarding the release of the information or records.

(C) The release of confidential information or records was solely to another covered entity or business associate.

(D) The release of confidential information or records was not an incident of medical identity theft. For purposes of this subparagraph, "medical identity theft" means the use of an individual's personal information, as defined in Section 1798.80, without the



individual's knowledge or consent, to obtain medical goods or services, or to submit false claims for medical services.

(E) The defendant took appropriate preventive actions to protect the confidential information or records against release consistent with the defendant's obligations under this part or other applicable state law and the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) (HIPAA) and all HIPAA Administrative Simplification Regulations in effect on January 1, 2012, contained in Parts 160, 162, and 164 of Title 45 of the Code of Federal Regulations, and Part 2 of Title 42 of the Code of Federal Regulations, including, but not limited to, all of the following:

(i) Developing and implementing security policies and procedures.

(ii) Designating a security official who is responsible for developing and implementing its security policies and procedures, including educating and training the workforce.

(iii) Encrypting the information or records, and protecting against the release or use of the encryption key and passwords, or transmitting the information or records in a manner designed to provide equal or greater protections against improper disclosures.

(F) The defendant took reasonable and appropriate corrective action after the release of the confidential information or records, and the covered entity or business associate that received the confidential information or records destroyed or returned the confidential information or records in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. A court may consider this subparagraph to be established if the defendant shows in detail that the covered entity or business associate could not destroy or return the confidential information or records because of the technology utilized.

(G) The covered entity or business associate that received the confidential information or records, or any of its agents, independent contractors, or employees, regardless of the scope of the employee's employment, did not retain, use, or release the information or records.

(H) After the release of the confidential information or records, the defendant took reasonable and appropriate action to prevent a future similar release of confidential information or records.

(I) The defendant has not previously established an affirmative defense pursuant to this subdivision, or the court determines, in its discretion, that application of the affirmative defense is compelling and consistent with the purposes of this section to promote reasonable conduct in light of all the facts.

(3) (A) In determining whether the affirmative defense may be established pursuant to paragraph (2), the court shall consider the equity of the situation, including, but not limited to, (i) whether the defendant has previously violated this part, regardless of whether an action has previously been brought, and (ii) the nature of the prior violation.

(B) To the extent the court allows discovery to determine whether there has been any other violation of this part that the court will consider in balancing the equities, the defendant shall not provide any medical information, as defined in Section 56.05. The

court, in its discretion, may enter a protective order prohibiting the further use of any personal information, as defined in Section 1798.80, about the individual whose medical information may have been disclosed in a prior violation.

(4) In an action under this subdivision in which the defendant establishes the affirmative defense pursuant to paragraph (2), a plaintiff shall be entitled to recover reasonable attorney's fees and costs without regard to an award of actual or nominal damages or the imposition of administrative fines or civil penalties.

(5) In an action brought by an individual pursuant to subdivision (b) on or after January 1, 2013, in which the defendant establishes the affirmative defense pursuant to paragraph (2), a defendant shall not be liable for more than one judgment on the merits under this subdivision for releases of confidential information or records arising out of the same event, transaction, or occurrence.

(f) (1) The civil penalty pursuant to subdivision (c) shall be assessed and recovered in a civil action brought in the name of the people of the State of California in any court of competent jurisdiction by any of the following:

(A) The Attorney General.

(B) A district attorney.

(C) A county counsel authorized by agreement with the district attorney in actions involving violation of a county ordinance.

(D) A city attorney of a city.

(E) A city attorney of a city and county having a population in excess of 750,000, with the consent of the district attorney.

(F) A city prosecutor in a city having a full-time city prosecutor or, with the consent of the district attorney, by a city attorney in a city and county.

(G) The State Public Health Officer, or his or her designee, may recommend that a person described in subparagraphs (A) to (F), inclusive, bring a civil action under this section.

(2) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the General Fund. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. Except as provided in paragraph (3), if the action is brought by a city attorney or city prosecutor, one-half of the penalty collected shall be paid to the treasurer of the city in which the judgment was entered and one-half to the treasurer of the county in which the judgment was entered.

(3) If the action is brought by a city attorney of a city and county, the entire amount of the penalty collected shall be paid to the treasurer of the city and county in which the judgment was entered.

(4) This section shall not be construed as authorizing both an administrative fine and civil penalty for the same violation.

(5) Imposition of a fine or penalty provided for in this section shall not preclude imposition of other sanctions or remedies authorized by law.

(6) Administrative fines or penalties issued pursuant to Section 1280.15 of the Health and Safety Code shall offset any other administrative fine or civil penalty imposed under this section for the same violation.

(g) For purposes of this section, “knowing” and “willful” shall have the same meanings as in Section 7 of the Penal Code.

(h) A person who discloses protected medical information in accordance with the provisions of this part is not subject to the penalty provisions of this part.

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**To:** Committee Members **Date:** January 24, 2017  
**From:** Rosanne Helms **Telephone:** (916) 574-7897  
Legislative Analyst  
**Subject: Enforcement Regulations: Uniform Standards Related to Substance Abuse and Disciplinary Guidelines**

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Staff is proposing several revisions to the Board's Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Revised October 2015), (Uniform Standards/Guidelines) which are incorporated by reference into California Code of Regulations (CCR) Title 16, Section 1888.

### Proposed Changes

**(\*\*Note – Page number references for proposed changes are referring to the page number in the bottom left-hand corner of the Uniform Standards/Guidelines document.\*\*)**

**1. Amendment to CCR §1888: References to Disciplinary Guidelines**

This section refers to the "Disciplinary Guidelines" as listed in the "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines" document, which is incorporated by reference in this section. However, DCA Legal has noted that there is not an actual section in the document identified as "Disciplinary Guidelines." There is a section called "Penalty Guidelines," which lists minimum and maximum penalties for every violation category. Therefore, language referencing sections of this document have been revised for clarity. There are now references to "Uniform Standards Related to Substance Abuse," and references to "Penalty Guidelines."

**2. Amendment to CCR §1888 and Uniform Standards: Violations Involving Abuse of Drugs and/or Alcohol**

As written, this section states that every violation that involves the use of drugs and/or alcohol must comply with the Uniform Standards Related to Substance Abuse. At the time this was written, it was believed that this is what the statutes establishing the Uniform Standards required.

However, the Attorney General's Office has since issued a formal opinion (AG Opinion No. 13-02). This opinion found that boards must use the Uniform Standards in all cases which they apply, and that boards may establish a regulation defining a "substance abusing licensee" for purpose of determining who is subject to the Uniform Standards, as long as the regulation is consistent with Business and Professions Code Section 315. DCA Legal has since concurred that a board may use discretion in imposing the Uniform Standards based on whether a licensee is found to be a substance abusing licensee.

Based on these new determinations, DCA Legal has recommended Section 1888 be amended to clarify that if a violation involves the abuse of drugs and/or alcohol, then the violation is presumed to be a substance abuse violation. If the licensee does not rebut the presumption, then the Uniform Standards apply.

A paragraph clarifying the process of determining substance abuse has also been added to Section I of the “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.” (pg. 4)

**3. Penalty Guideline Reference Changes (Pgs. 14-27)**

Some of the statute and regulation section references in the Penalty Guidelines needed to be updated as a result of the amendments outlined in this document, or based on recent changes to statute or regulation.

**4. Penalty Guidelines: Suspension as a Minimum Term (Pgs. 15-24)**

Several of the violations in the Penalty Guidelines list suspension of a certain number of days (which is defined depending on the violation) as a minimum penalty. At times, the Board does not believe suspension is appropriate, especially if the licensee or registrant is not being required to undergo a clinical diagnostic evaluation. However, if suspension is listed as a minimum penalty, the Board must suspend regardless of the circumstances.

To allow the Board more discretion, all instances of suspensions being included as a minimum penalty have been moved to the “if warranted” condition within that minimum penalty.

**5. Penalty Guidelines: Impaired Ability to Function Safely Due to Mental/Physical Illness (Pg. 17)**

This proposed amendment makes a minor, technical change to clarify that the code section reference for LEPs is in the Business and Professions Code.

**6. Penalty Guidelines: Gross Negligence/Incompetence (Pg. 20)**

This portion of the penalty guidelines provides minimum and maximum penalties for gross negligence and incompetence.

A minor, technical change has been made to the statute reference to Business and Professions Code (BPC) section 4992.3 (LCSW statute). Right now, only 4992.3(d) is referenced (incompetence). Section 4992.3(e) should be referenced as well (gross negligence).

**7. Add to Penalty Guidelines: Engaging in Sexual Orientation Change Efforts with a Patient Under Age 18 (Pg. 26)**

SB 1172 (Lieu, Chapter 835, Statutes of 2012) made it unprofessional conduct to engage in any sexual orientation change efforts with a patient under the age of 18. This violation is not included in the Penalty Guidelines yet.

This proposed amendment would add minimum and maximum penalties for engaging in sexual orientation change efforts with a minor, to the Penalty Guidelines. Staff chose to use the same minimum and maximum penalties used for the unprofessional conduct violation of “*Intentionally / Recklessly Causing Physical or Emotional Harm to Client.*” The Committee may wish to discuss if the penalties chosen are appropriate.

**8. Add to Penalty Guidelines: Consumer Protection Enforcement Initiative Unprofessional Conduct Provisions (Pg. 27)**

The Board added five unprofessional conduct provisions via regulation for each license type based on direction from the Department of Consumer Affairs’ Consumer Protection Enforcement Initiative

(CPEI). These provisions, which became effective July 1, 2013, pertain to Board investigations, and include such violations as failing to provide records or arrest documentation, or failure to cooperate in a Board investigation. These new violations are not included in the Penalty Guidelines yet.

This proposed amendment would add minimum and maximum penalties for each of these five new unprofessional conduct provisions to the Penalty Guidelines. Staff used a selection of the minimum and maximum penalties used for the unprofessional conduct violations of “*General Unprofessional Conduct*” and “*Violations of the Chapter or Regulations by Licensees or Registrants*” as a guide. The Committee may wish to discuss if the penalties chosen are appropriate.

**9. Amendment to Optional Term and Condition of Probation: Clinical Diagnostic Evaluation (Pg. 30)**

This amendment clarifies that if a clinical diagnostic evaluation is required, the Board shall be responsible for appointing the evaluator. Currently, it is not clear whether the probationer or the Board must select the evaluator. The Board already is required to select the evaluator when a psychological evaluation is ordered; this proposed amendment makes the selection consistent with that process.

Minor amendments have also been made to state the evaluator must submit the written evaluation to the Board within 10 days.

This term has also been moved from being term #4 to being term #2. It is a more commonly used term than the “Psychological/Psychiatric Evaluation,” and therefore the Enforcement Unit believed that placing it higher in the list was appropriate.

**10. Amendment to Optional Term and Condition of Probation: Psychotherapy (Pg. 31)**

Clarifications were made to the language and the timeframe for a Respondent choose a therapist was increased from 15 days to 30 days. The 30 day timeframe is consistent with the timeframe to respond to other types of disciplinary requirements.

If the psychotherapist finds Respondent is not safe to practice, the timeframe that the therapist has to notify the Board has been reduced from 3 working days down to 1 working day, in order to ensure consumer protection.

**11. Amendment to Optional Term and Condition of Probation: Supervised Practice (Pg. 32)**

Currently, if a probationer is required to have supervised practice, the supervisor must be currently licensed and in the probationer’s same field, but there are no other qualifications specified. An amendment has been made to state that the supervisor must meet the same requirements as supervisors of registrants who are gaining supervised experience, as defined in statute.

**12. Amendment to Optional Term and Condition of Probation: Education (Pg. 33) and Law and Ethics Course (Pg. 36)**

Language has been amended to specify that required educational coursework must be taken either from an approved educational institution, or through a course approved by the Board. Language specifying the course must be taken at a graduate level offering a qualifying degree has been removed, because these institutions often won’t accept individuals who are not seeking a degree.

At the August 19, 2016 Board meeting, the Board indicated that in some cases, requiring a probationer to take and pass the California Law and Ethics examination may be more meaningful than requiring a law and ethics course. There are currently three violations for which taking a law and ethics course is listed as a minimum penalty:

- General Unprofessional Conduct;
- Commission of a Dishonest, Corrupt, or Fraudulent Act; and
- Paying, Accepting, or Soliciting a fee for Referrals

The Penalty Guidelines for these three terms has been amended to state that if warranted, the minimum penalty can be either taking a law and ethics course or taking and passing the licensure examination(s). (pgs. 20, 22, 25) This gives the Board the discretion to determine which penalty would be most helpful in a particular case.

**13. Amendment to Optional Term and Condition of Probation: Take and Pass Licensure Examinations (Pg. 33)**

At its August 19, 2016 meeting, the Board directed staff to add taking and passing the California law and ethics examination as an optional term and condition of probation.

Currently, the Guidelines include optional term #7, “Take and Pass Licensure Examinations.” Upon review of the term, staff believes that as written, this term could be interpreted to mean that the probationer must take the California Law and Ethics exam, the clinical exam, both of these exams, or the LEP exam (as applicable). However, it is not completely clear if all licensing exams must be taken, or if only one may be prescribed.

Splitting the term into two terms, one for the California law and ethics exam, and one for the clinical exam, could be problematic because the language would then no longer recognize the LEP exam. It would also require the Board to determine which specific exams (if any) are appropriate for each of the penalty categories, when that may be best decided by the Board on a case-by-case basis.

Instead, staff has amended the existing language to clarify that the Board may prescribe a probationer to take one or both of the required licensing exams, as it deems appropriate.

**14. New Optional Term and Condition of Probation: Attend Dependency Support Program (Pg. 33)**

This amendment adds a new optional term of probation requiring, if the Board so chooses, the probationer to attend a dependency support program. Alcoholics Anonymous is an example of such a program. The Board sometimes requires this as a term of probation, even though it is currently not included in the list of “Optional Terms and Conditions of Probation”.

The proposed language for the new term was developed by the Attorney General’s office with the assistance of Board staff.

Attending a dependency support program has also been added as an “if warranted” minimum term in the Penalty Guidelines for violations involving substance abuse.

**15. New Optional Term and Condition of Probation: Relapse Prevention Program (Pg. 33)**

This proposed amendment adds a new optional term of probation requiring, if the Board so chooses, the probationer to enter a relapse prevention program. This type of program is typically attended after completion of rehabilitation and monitoring program, in order to help prevent the attendee from relapsing. The Board sometimes requires this as a term of probation, even though it is currently not included in the list of “Optional Terms and Conditions of Probation”.

The proposed language for the new term was developed by the Attorney General’s office with the assistance of Board staff.



Attending a relapse prevention program has also been added as an “if warranted” minimum term in the Penalty Guidelines for violations involving substance abuse.

**16. Amendment to Optional Term and Condition of Probation: Monitor Billing System (Pg. 36)**

An amendment states that failure to pay for billing system monitoring in a timely fashion is a violation of probation. This mirrors language that is already in the “Monitor Billing System Audit” term of probation.

**17. Amendment to Standard Term and Condition of Probation: Failure to Practice – Tolling (Pg. 38)**

This term of probation currently states that if the probationer does not practice for a total of two years, his or her license or registration will be automatically cancelled.

In a 2006 case involving the Medical Board, a court ruled that this term violated the Constitutional right to due process if there was not a hearing. Therefore, this sentence must be removed. DCA Legal has proposed it be replaced with the following sentence:

*“The failure to practice for a total of two years shall be a violation of probation.”*

**18. Amendment to Standard Term and Condition of Probation: Change of Place of Employment or Place of Residence (Pg. 38)**

Regulation Section 1804 requires change of address notifications to contain both the old and the new address. The language in this term has been amended to be consistent with this requirement.

**19. Amendment to Standard Term and Condition of Probation: Reimbursement of Probation Program (Pg. 40)**

The amount the Board charges for reimbursement of probation is \$1,200 per year. This is an amount that was established by the Board several years ago, and applies to all probationers uniformly. It assumes an average staff monitoring cost of \$100 per month per probationer. Because this is a standard cost that is not subject to change or negotiation, staff proposes including the rate of \$1,200 per year, instead of leaving the standard language blank and having the amount filled in later.

**20. Amendment to Standard Term and Condition of Probation: Cost Recovery (Pg. 40)**

A technical amendment has been made. Instead of requiring that a cost recovery payment plan tailored to each probationer be incorporated into the text of this term, this amendment proposes including a statement that the respondent shall make payments pursuant to a payment plan outlined by the Board. This allows the payment plan to be provided as a separate document.

In addition, an amendment has been made to let a probationer know that he or she may make a payment online via the Board’s website instead of via check or money order. This option is a new feature of the Board’s Breeze database system, and was not previously available.

**21. Recommended Language for License Surrenders (Pg. 41)**

Section IV, “Board Policies and Guidelines,” contains recommended language for the Attorney General and the Board’s enforcement staff to use for license surrenders.

Most of this language, starting with the third paragraph, is labeled “Contingency” language, which designates that the license surrender is subject to the Board’s approval. The remaining paragraphs under the header are not “contingency” and are incorrectly labeled as such.

The term used by the Attorney General’s office for the remaining paragraphs is “Order.” Therefore, these paragraphs have been correctly labeled “Order” so that staff and the Attorney General’s office can more easily find and use this language.

## **22. Recommended Language for Applicants and Registrants (Pg. 42)**

Business and Professions Code (BPC) Section 23.7 states that the use of the term “license”, when used in the Business and Professions Code, also includes the term “registration” within its meaning. In other words, when the law uses the term “license”, that reference includes both license holders and those who hold a registration.

This fact is confusing to many registrants. When they read their terms and conditions of probation and come across the term “license”, they often do not realize that it also applies to them. To clarify, the proposed amendment provides recommended language for inclusion in the Disciplinary Orders for applicants for registration and registrants, explaining that the use of the term “license” also includes “registration.”

## **23. Reinstatement/Reduction of Penalty Hearings (Pg. 43)**

Section IV contains factors for the Board to consider when determining whether to reinstate a license or registration or whether to reduce a penalty. Several factors are listed. However, BPC Section 4990.30 also lists different factors for the Board to consider, which are not included here. For consistency, the factors listed in Section 4990.30 have been added to the list, in order to be consistent with the law.

An errant reference to BPC Section 4982.2, which no longer exists, has also been corrected.

## **24. Prior Relationship with Probation-Required Supervisor, Evaluator, or Therapist (Pgs. 5, 6, 7, 31, 32)**

As a term or condition of probation licensee or registrant may be required to see a therapist, have a clinical diagnostic evaluation, undergo supervised practice, or attend a chemical dependency support or recovery group.

The Guidelines currently prohibit a personal, professional, or business relationship with one’s supervisor, clinical diagnostic evaluator, therapist, or with the meeting facilitator of a chemical dependency support or recovery group.

The Enforcement Unit has had several instances of probationers wanting to utilize a therapist whom they have already seen for therapy for one of these roles. This is counter to the intent of the law, that there is no “personal” or “professional” relationship. However, several probationers have argued that a personal or professional relationship is not the same as a therapeutic relationship. In order to clarify the intent of the law, a “therapeutic” relationship has been added to the list of prohibited relationships for each of these roles.

## **25. Other Minor Technical or Clarifying Changes**

Staff made other minor technical or clarifying changes as needed. Notable areas where such changes were made are as follows:

- Minor clarifications were made to language in the section discussing major and minor violations (Pg. 8).
- Drug testing frequency: minor clarifying changes were made to the language about exceptions to the drug testing schedule if the licensee has demonstrated previous testing (Pg. 11).
- Optional Terms: Supervised Practice (Pgs. 32/33) and Physical Evaluation (Pgs. 35/36) – minor clarifying changes were made.
- Optional Term: Rehabilitation Program (Pg. 34) – This optional term of probation has been re-named “Rehabilitation and Monitoring Program.”
- Standard Term: Violation of Probation (Pg. 39) – minor clarifying changes were made to describe the methods the Board may use to impose discipline (by filing an accusation, petition to revoke probation, or statement of issues).
- Capitalization of Certain Terms in the Guidelines – The terms “Respondent,” “Order,” and “Decision,” have been capitalized, where appropriate, in the Guidelines, in order to be consistent with the way these terms are capitalized in official court documents.
- Other minor technical changes including capitalization, grammar, and spacing corrections, as needed.

### **Recommendation**

Conduct an open discussion of the proposed regulations. Direct staff to make any discussed changes and any non-substantive changes to the proposed language and bring to the Board for consideration as a regulatory proposal.

### **Attachments**

**Attachment A:** CCR § 1888 and Proposed Amendments to Enforcement Regulations: Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

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**ATTACHMENT A**  
**PROPOSED AMENDMENTS TO ENFORCEMENT REGULATIONS: UNIFORM**  
**STANDARDS RELATED TO SUBSTANCE ABUSE AND DISCIPLINARY**  
**GUIDELINES**

**CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 16, §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~~ *OOAL TO INSERT EFFECTIVE DATE*] (Guidelines/Disciplinary Guidelines) 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. Part I, Uniform Standards Related to Substance Abuse, apply to cases of substance abuse. Part II, Penalty Guidelines, apply to all disciplinary matters. Deviation from the Penalty 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.~~ Deviation from the Disciplinary Penalty 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 abuse of drugs and/or alcohol, the violation is presumed to be a substance abuse violation for purposes of Section 315 of the Code. If the licensee or registrant does not rebut the presumption 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.

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***State of California***

**Department of Consumer Affairs**

**Board of Behavioral Sciences**

The seal of the California Board of Behavioral Sciences is a circular emblem. It features a central figure of a woman in classical attire, holding a torch and a scale. The text "CALIFORNIA BOARD OF" is arched across the top, and "EUREKA" is written below it. The bottom of the seal contains the text "THE STATE OF CALIFORNIA".

**UNIFORM STANDARDS RELATED  
TO SUBSTANCE ABUSE AND  
DISCIPLINARY  
GUIDELINES**

**Revised: ~~October 2015~~ (*OAL to Insert Effective Date*)**

Additional copies of this document may be obtained by contacting the Board at its office in Sacramento, California, or from its web site at [www.bbs.ca.gov](http://www.bbs.ca.gov).

## INTRODUCTION

The Board of Behavioral Sciences (hereinafter “the Board”) is a consumer protection agency with the primary mission of protecting consumers by establishing and maintaining standards for competent and ethical behavior by the professionals under its jurisdiction. In keeping with its mandate, the Board has adopted the following uniform standards related to substance abuse and recommended guidelines for the intended use of those involved in the disciplinary process: Administrative Law Judges, respondents and attorneys involved in the discipline process, as well as Board members who review proposed decisions and stipulations and make final decisions.

These guidelines consist of four parts:

I. Uniform Standards Related to Substance Abuse – for those licensees and registrants with a violation related to alcohol and/or a controlled substance, or whose license or registration is on probation due to a substance abuse violation;

II. Penalty Guidelines - an identification of the types of violations and range of penalties for which discipline may be imposed;

III. Model Disciplinary Orders - language for proposed terms and conditions of probation; and

IV. Board Policies and Guidelines – for various enforcement actions.

The Board expects the penalty imposed to be commensurate with the nature and seriousness of the violation.

These penalty guidelines apply only to the formal disciplinary process and do not apply to other alternatives available to the Board, such as citations and fines. See Business and Professions Code Section 125.9 and Title 16 California Code of Regulations Section 1886.



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# I. Uniform Standards Related to Substance Abuse

## Uniform Standards For Licensees Or Registrants Whose License Or Registration Is On Probation Due To A Substance Abuse Violation

Whether the Board's Uniform Standards Related to Substance Abuse apply depends on whether the licensee or registrant is found to be a substance abusing licensee. If the conduct found to be a violation involves the abuse of drugs and/or alcohol, the violation is presumed to be a substance abuse violation. If the licensee or registrant does rebut the presumptive finding that the violation is a substance abuse violation, then the Uniform Standards Related to Substance Abuse do not have to be used. Conversely, if the licensee or registrant does not rebut the presumption, then the Uniform Standards Related to Substance Abuse must be used, without deviation. The Board may order a licensee or registrant to undergo a psychological evaluation or clinical diagnostic evaluation by an evaluator approved by the Board to determine whether he or she has a substance abuse problem.

The following standards shall apply in all cases in which a license or registration is placed on probation due, in part, to a substance abuse violation, unless the licensee or registrant rebuts that the violation is a substance abuse violation.

### Clinical Diagnostic Evaluations

Whenever a licensee or registrant is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, has three (3) years experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. The evaluations shall be conducted in accordance with acceptable professional standards for conducting substance abuse clinical diagnostic evaluations.

The following practice restrictions apply to each licensee or registrant who undergoes a clinical diagnostic evaluation:

1. The Board shall suspend the license or registration during the clinical diagnostic evaluation pending the results of the clinical diagnostic evaluation and review by the Board.
2. While awaiting the results of a clinical diagnostic evaluation, the licensee or registrant shall be randomly drug tested at least two (2) times per week.

### Clinical Diagnostic Evaluation Report

The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the licensee or registrant has a substance abuse problem, whether the licensee or registrant is a threat to himself or herself or others, and recommendations for substance abuse treatment, practice, restrictions, or other recommendations related to the licensee or registrant's rehabilitation and safe practice.

The evaluator shall not have a financial, personal, business, ~~or~~ professional, or therapeutic relationship with the licensee or registrant. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee or registrant is a threat to himself or herself or others, the evaluator shall notify the board within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the Board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed 30 calendar days.

The Board shall review the clinical diagnostic evaluation to determine whether or not the licensee or registrant is safe to return to either part-time or full-time practice and what restrictions or recommendations should be imposed on the licensee or registrant based on the application of the following criteria:

1. License or registration type;
2. Licensee or registrant's history;
3. Documented length of sobriety;
4. Scope and pattern of substance abuse;
5. Treatment history;
6. Medical history;
7. Current medical condition;
8. Nature, duration and severity of substance abuse problem; and
9. Whether the licensee or registrant is a threat to himself or herself or others.

No licensee or registrant shall be returned to practice until he or she has at least 30 calendar days of negative drug tests.

When determining if the licensee or registrant should be required to participate in inpatient, outpatient, or any other type of treatment, the Board shall take into consideration the recommendation of the clinical diagnostic evaluation, license or registration type, licensee or registrant's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee or registrant is a threat to himself or herself or others.

### **Supervisor Requirements**

If the Board determines that a supervisor is necessary for a particular licensee or registrant, the supervisor must meet the following requirements to be considered for approval by the Board:

1. The supervisor shall not have a current or former financial, personal, business, ~~or~~ professional, or therapeutic relationship with the licensee or registrant, or other relationship that could reasonably be expected to compromise the ability of the supervisor to render impartial and unbiased reports to the Board. If it is impractical for anyone but the licensee or registrant's employer to serve as the supervisor, this requirement may be waived by the Board; however, under no circumstances shall a licensee or registrant's supervisor be an employee or supervisee of the licensee or registrant.
2. The supervisor's license scope of practice shall include the scope of practice of the licensee or registrant who is being monitored or be another health care professional if no supervisor with like scope of practice is available.
3. The supervisor shall be a current California licensed practitioner and have an active unrestricted license, with no disciplinary action within the last five (5) years.
4. The supervisor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee or registrant's disciplinary order and agrees to monitor the licensee or registrant as set forth by the Board.

The supervisor must adhere to the following required methods of monitoring the licensee or registrant:

1. Have a face-to-face contact with the licensee or registrant in the work environment on as frequent a basis as determined by the Board, but at least once per week.
2. Interview other staff in the office regarding the licensee or registrant's behavior, if applicable.
3. Review the licensee or registrant's work attendance.

Reporting by the supervisor to the Board shall be as follows:

1. Any suspected substance abuse must be orally reported to the Board and the licensee or registrant's employer within one (1) business day of occurrence. If the occurrence is not during the Board's normal business hours, the oral report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within 48 hours of occurrence.
2. The supervisor shall complete and submit a written report directly to the Board monthly or as directed by the Board. The report shall include:
  - a. the licensee or registrant's name;
  - b. license or registration number;
  - c. supervisor's name and signature;
  - d. supervisor's license number;
  - e. worksite location(s);

- f. dates licensee or registrant had face-to-face contact with supervisor;
- g. worksite staff interviewed, if applicable;
- h. attendance report;
- i. any change in behavior and/or personal habits; and
- j. any indicators that can lead to suspected substance abuse.

The licensee or registrant shall complete the required consent forms and sign an agreement with the supervisor and the Board to allow the Board to communicate with the supervisor.

### **Chemical Dependency Support or Recovery Group Meetings**

If the Board requires a licensee or registrant to participate in chemical dependency support or recovery group meetings, the Board shall take the following into consideration when determining the frequency of required group meeting attendance:

1. the licensee or registrant's history;
2. the documented length of sobriety;
3. the recommendation of the clinical diagnostic evaluator;
4. the scope and pattern of substance abuse;
5. the licensee or registrant's treatment history; and
6. the nature, duration, and severity of substance abuse.

The group meeting facilitator of a chemical dependency support or recovery group that a Board licensee or registrant is required to participate in must meet the following requirements:

1. Have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse;
2. Be licensed or certified by the state or other nationally certified organizations to provide substance abuse recovery services;
3. Does not have a financial, personal, business, ~~or~~ professional, or therapeutic relationship with the licensee or registrant within the last year;
4. Must provide the Board a signed document showing the licensee or registrant's name, the group name, the date and location of the meeting, the licensee or registrant's attendance, and the licensee or registrant's level of participation and progress.
5. Must report to the Board any unexcused absence of a Board licensee or registrant being required to participate within 24 hours.

## Major and Minor Violations

Major violations include, but are not limited to, the following:

1. Failure to complete any Board-ordered program;
2. Failure to undergo a required clinical diagnostic evaluation;
3. Committing more than one minor violations of probation conditions and terms;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code, or other state or federal law;
6. Failure to report for drug and alcohol testing when ordered;
7. Testing positive for alcohol and/or a controlled substance;
8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

If a licensee or registrant commits a major violation, the Board shall automatically suspend the license or registration and refer the matter for disciplinary action or other action as determined by the Board.

The consequences for a major violation include, but are not limited to, the following:

1. License or registration shall be suspended;
2. Licensee or registrant must undergo a new clinical diagnostic evaluation;
3. Licensee or registrant must test negative for at least one month of ~~continuous~~ drug testing before being allowed to resume practice;
4. Contract or agreement previously made with the Board shall be terminated; and
5. Licensee or registrant shall be referred for disciplinary action, such as suspension, revocation, or other action determined appropriate by the Board.

Minor violations include, but are not limited to, the following:

1. Failure to submit required documentation in a timely manner;
2. Unexcused ~~attendance~~absence at required meetings;
3. Failure to ~~contact~~cooperate with a supervisor and/or monitor as required;
4. Any other violations that do not present an immediate threat to the licensee or registrant or to the public.

If a licensee or registrant commits a minor violation, the Board shall determine what action is appropriate. The consequences for a minor violation include, but are not limited to, the following:

1. Removal from practice;
2. Practice limitations;
3. Required supervision;
4. Increased documentation;
5. Issuance of citation and fine or a warning notice;
6. Required re-evaluation and/or testing.

## **Positive Test for Alcohol and/or a Controlled Substance**

If a licensee or registrant tests positive for alcohol and/or a controlled substance, the Board shall do the following:

- Automatically suspend the license or registration;
- Immediately contact the licensee or registrant and inform him or her that his or her license or registration has been suspended and he or she may not practice until the suspension is lifted; and
- Immediately notify the licensee or registrant's employer that the license or registration has been automatically suspended, and that he or she may not practice until the suspension is lifted.

The Board should do the following, as applicable, to determine whether a positive test for alcohol and/or a controlled substance is evidence of prohibited use:

- Consult the specimen collector and the laboratory;
- Communicate with the licensee or registrant and/or treating physician; and
- Communicate with any treatment provider, including a group facilitator.

The Board shall immediately lift the suspension if the positive drug test is not found to be evidence of prohibited use.

## **Drug Testing Standards**

The drug testing standards below shall apply to each licensee or registrant subject to drug testing. At its discretion, the Board may use other testing methods in place of, or to supplement, drug and alcohol testing, if appropriate.

1. Drug testing may be required on any day, including weekends and holidays.
2. Except as directed, the scheduling of drug tests shall be done on a random basis, preferably by a computer program.
3. Licensees or registrants shall be required to make daily contact as directed to determine if drug testing is required.
4. Licensees or registrants shall be drug tested on the date of notification as directed by the Board.
5. Specimen collectors must either be certified by the Drug and Alcohol Testing Industry Association or have completed the training required to serve as a collector for the U.S. Department of Transportation.
6. Specimen collectors shall adhere to the current U.S. Department of Transportation Specimen Collection Guidelines.



7. Testing locations shall comply with the Urine Specimen Collection Guidelines published by the U.S. Department of Transportation, regardless of the type of test administered.
8. Collection of specimens shall be observed.
9. Prior to vacation or absence, alternative drug testing location(s) must be approved by the Board.
10. Laboratories shall be certified and accredited by the U.S. Department of Health and Human Services.

A collection site must submit a specimen to the laboratory within one (1) business day of receipt. A chain of custody shall be used on all specimens. The laboratory shall process results and provide legally defensible test results within seven (7) days of receipt of the specimen. The Board will be notified of non-negative test results within one (1) business day and will be notified of negative test results within seven (7) business days.

Nothing herein shall limit the Board’s authority to reduce or eliminate the standards specified herein pursuant to a petition for reinstatement or reduction of penalty filed pursuant to Government Code Section 11522 or statutes applicable to the Board that contain different provisions for reinstatement or reduction of penalty.

**Drug Testing Frequency Schedule**

The Board may order a licensee or registrant to drug test at any time. In addition, each licensee or registrant shall be tested randomly according to the following drug testing frequency schedule:

<b>Level</b>	<b>Year of Probation</b>	<b>Minimum Range Number of Random Tests</b>
I	Year 1	52-104 per year
II	Years 2 through 5	36-104 per year
III	After Year 5	Once per month*

\*If no positive drug tests in the previous 5 consecutive years.

The Board may increase the number of random tests required at its discretion. If the Board suspects or finds that a licensee or registrant has violated the prescribed testing program, or finds that a licensee or registrant has committed a major violation, it may re-establish the testing cycle by placing that licensee or registrant at the beginning of Level I. This is in addition to any other disciplinary action.

**Drug Testing Frequency Schedule Exceptions**

The Board may make exceptions to the prescribed drug testing frequency schedule for the following reasons:

1. Licensee or Registrant Demonstrates Previous Testing and Sobriety

The licensee or registrant can demonstrate participation in a treatment or monitoring program which requires random testing, prior to being subject to testing by the Board. In such a case, the Board may give consideration to the previous testing by altering the testing frequency schedule so that it is equivalent ~~to the standard~~ to the one prescribed above.

2. Violations Outside of Employment

A licensee or registrant whose license or registration is placed on probation for a single conviction or incident, or two convictions or incidents, spanning greater than seven years from each other, where alcohol or drugs were a contributing factor, may bypass Level I and participate in Level II of the testing frequency schedule if the violations did not occur at work or on the way to or from work.

3. Not Employed in Health Care Field

The Board may reduce testing frequency to a minimum of twelve (12) times per year if the licensee or registrant is not practicing or working in any health care field. If reduced testing frequency is established for this reason, and the licensee or registrant returns to practice, the licensee or registrant shall notify and obtain approval from the Board. The licensee or registrant shall then be subject to Level I testing frequency for at least 60 days. If the licensee or registrant had not previously met the Level I frequency standard, the licensee or registrant shall be subject to completing a full year at Level I of the testing frequency schedule. If the licensee or registrant had previously met the Level I frequency standard, the licensee or registrant shall be subject to Level II testing after completing Level I testing for at least 60 days.

4. Tolling

The Board may postpone all testing for any person whose probation is placed in a tolling status if the overall length of the probationary period is also tolled. The licensee or registrant shall notify the Board upon his or her return to [California practice](#) and shall be subject to testing as provided in the testing frequency standard. If the licensee or registrant returns to practice and has not previously met the Level I testing frequency standard, the licensee or registrant shall be subject to completing a full year at Level I of the testing frequency schedule. If the licensee or registrant has previously met the Level I testing frequency standard, then Level II shall be in effect.

5. Substance Use Disorder Not Diagnosed

If a licensee or registrant is not diagnosed with a current substance use disorder, a lesser period of monitoring and toxicology screening may be adopted by the Board. This period may not be less than 24 times per year.

### **Criteria to Petition to Return to Practice**

In order to petition to return to full time practice, a licensee or registrant shall have demonstrated all of the following:

1. Sustained compliance with his or her current recovery program;
2. The ability to practice safely as evidenced by current work site reports, evaluations, and any other information related to his or her substance abuse;
3. Must have at least six (6) months of negative drug screening reports and two (2) positive supervisor reports; and
4. Complete compliance with the other terms and conditions of his or her program.

### **Criteria to Petition for Reinstatement to Unrestricted License or Registration**

In order to petition for reinstatement to a full and unrestricted license or registration, a licensee or registrant shall meet all of the following criteria:

1. Demonstrated sustained compliance with the terms of the disciplinary order (if applicable);
2. Demonstrated successful completion of a rehabilitation and monitoring program (if required);
3. Demonstration of a consistent and sustained participation in activities that promote and support his or her recovery, including, but not limited to, ongoing support meetings, therapy, counseling, relapse prevention plan, and community activities;
4. Demonstrated ability to practice safely; and
5. Continuous sobriety for at least three (3) to five (5) years.

## II. Penalty Guidelines

The following is an attempt to provide information regarding violations of statutes and regulations under the jurisdiction of the Board of Behavioral Sciences and the appropriate range of penalties for each violation. Each penalty listed is followed in parenthesis by a number, which corresponds with a number under the chapter “Model Disciplinary Orders.” Examples are given for illustrative purposes, but no attempt is made to catalog all possible violations. Optional conditions listed are those the Board deems most appropriate for the particular violation; optional conditions not listed as potential minimum terms, should nonetheless be imposed where appropriate. Except as provided in the Uniform Standards Related to Substance [aA](#)buse, the Board recognizes that the penalties and conditions of probation listed are merely guidelines and that individual cases will necessitate variations which take into account unique circumstances.

If there are deviations or omissions from the guidelines in formulating a Proposed Decision, the Board requires that the Administrative Law Judge hearing the case include an explanation of the deviations or omissions, including all mitigating factors considered by the Administrative Law Judge in the Proposed Decision so that the circumstances can be better understood by the Board during its review and consideration of the Proposed Decision.

<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P)  Title 16, California Code of Regulations: (CCR)  General Provisions: (GP)  Penal Code: (PC)  Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: B&amp;P § 4982.26(k)  LCSW: B&amp;P § 4992.33  LEP: B&amp;P § 4989.58  LPCC: B&amp;P § 4999.90(k)  GP: B&amp;P § 729</p>	<p>Engaging in Sexual Contact with Client / Former Client</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul> <p>The law requires revocation/denial of license or registration.</p>
<p>LMFT: B&amp;P § 4982(aa)(1)  LCSW: B&amp;P § 4992.3(y)(1)  LEP: B&amp;P § 4989.54(y)(1)  LPCC: B&amp;P § 4999.90(z)(1)</p>	<p>Engaging In Act with a Minor Punishable as a Sexually Related Crime Regardless of Whether the Act occurred prior to or after registration or licensure. <b>or</b>  Engaging in 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.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul> <p>The Board considers this reprehensible offense to warrant revocation/denial.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul> <p>The Board considers this reprehensible offense to warrant revocation/denial.</p>

<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P)  Title 16, California Code of Regulations: (CCR)  General Provisions: (GP)  Penal Code: (PC)  Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: <del>B&amp;P § 4982(k), 4982.26</del>  LCSW: <del>B&amp;P § 4992.3(l), 4992.33</del>  <span style="color: blue;"><u>CCR § 1881(f)</u></span>  LEP B&amp;P § 4989.58  B&amp;P § 4989.54(n)  LPCC: <del>B&amp;P § 4999.90(k)</del>  GP: B&amp;P § 480, 726</p>	<p>Sexual Misconduct  (Anything other than as defined in  B&amp;P Section 729)</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation</del></li> <li>• Take and pass licensure <del>examination</del><u>examination(s)</u> as a condition precedent to resumption of practice</li> <li>• 7 years probation</li> <li>• Standard terms and conditions</li> <li>• Psychological/psychiatric evaluation as a condition precedent to resumption of practice</li> <li>• Supervised practice</li> <li>• Psychotherapy</li> <li>• Education</li> <li>• Take and pass licensure examination<u>(s)</u></li> <li>• Reimbursement of probation program</li> </ul> <p>And if warranted,:</p> <ul style="list-style-type: none"> <li>• <u>120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation</u></li> <li>• <del>e</del><u>Enter and complete a rehabilitation and monitoring</u> program approved by the Board;</li> <li>• <u>Attend dependency support program</u></li> <li>• <u>Attend relapse prevention program</u></li> <li>• <del>a</del><u>Abstain from controlled substances/use of alcohol;</u></li> <li>• <del>s</del><u>Submit to drug and alcohol testing;</u></li> <li>• <del>r</del><u>Restricted practice;</u></li> <li>• <del>r</del><u>Reimbursement of probation program costs-</u></li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul> <p>(See B&amp;P 4982.26, 4989.58, 4992.33)</p> <p>The Board considers this reprehensible offense to warrant revocation/denial.</p>

<b>Statutes and Regulations</b> Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	<b>Violation Category</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
LMFT: B&P § 4982(k) LCSW: B&P § 4992.3(l) -CCR § 1881(f) LEP: B&P § 4989.54(n) LPCC: B&P § 4999.90(k) GP: B&P § 480	Commission of an Act Punishable as a Sexually Related Crime	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation</del></li> <li>• Psychotherapy</li> <li>• 5 years probation; standard terms and conditions</li> <li>• Psychological/psychiatric evaluation as a condition precedent to the resumption of practice</li> <li>• Supervised practice</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> <p>And if warranted:</p> <ul style="list-style-type: none"> <li>• <del>R</del>restricted practice.</li> <li>• <u>120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation</u></li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>

<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P)  Title 16, California Code of Regulations: (CCR)  General Provisions: (GP)  Penal Code: (PC)  Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: B&amp;P § 4982(c),  4982.1  LCSW: B&amp;P § 4992.3(c),  4992.35  LEP: B&amp;P § 4989.54(c)  LPCC: B&amp;P § 4999.90(c)  GP: B&amp;P § 480, 820</p>	<p>Impaired Ability to Function Safely Due to Mental Illness or Physical Illness Affecting Competency or Chemical Dependency</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>60-90 days actual suspension and such additional time as may be necessary to obtain and review psychological or psychiatric evaluation and to implement any recommendations from that evaluation</del></li> <li>• 5 years probation; standard terms and conditions</li> <li>• Supervised practice</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs.</li> </ul> <p><u>In addition:</u></p> <ul style="list-style-type: none"> <li>• MENTAL ILLNESS: Psychological/psychiatric evaluation; psychotherapy.</li> <li>• PHYSICAL ILLNESS: Physical evaluation; and if warranted: restricted practice</li> <li>• CHEMICAL DEPENDENCY Random drug and alcohol testing, psychological/psychiatric /clinical diagnostic evaluation; supervised practice; therapy; rehabilitation <u>and monitoring</u> program; abstain from controlled substances/use of alcohol; and if warranted: <u>attend dependency support program</u>; <u>attend relapse prevention program</u>; restricted practice.</li> </ul> <p><u>If warranted:</u>  60-90 days actual suspension and such additional time as may be necessary to obtain and review psychological or psychiatric evaluation and to implement any recommendations from that evaluation</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>



<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P)  Title 16, California Code of Regulations: (CCR)  General Provisions: (GP)  Penal Code: (PC)  Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: B&amp;P § 4982(c), 4982.1  LCSW: B&amp;P § 4992.3(c), 4992.35  LEP: B&amp;P § 4989.54(c), 4989.56  LPCC: B&amp;P § 4999.90(c)  GP: B&amp;P § 480</p>	<p>Chemical Dependency / Use of Drugs  With Client While Performing Services</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric clinical diagnostic evaluation and to implement any recommendations from that evaluation</del></li> <li>• Random drug and alcohol testing</li> <li>• 5 years probation</li> <li>• Standard terms and conditions</li> <li>• Psychological/psychiatric/clinical diagnostic evaluation</li> <li>• Supervised practice</li> <li>• Education</li> <li>• Supervised practice</li> <li>• Education</li> <li>• Rehabilitation <u>and monitoring</u> program</li> <li>• Abstain from controlled substances/use of alcohol</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> <p>And if warranted—:</p> <ul style="list-style-type: none"> <li>• <del>P</del>Psychotherapy;</li> <li>• <del>R</del>Restricted practice</li> <li>• <u>Attend dependency support program</u></li> <li>• <u>Attend relapse prevention program</u></li> <li>• <del>g</del><u>120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric clinical diagnostic evaluation and to implement any recommendations from that evaluation</u></li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>

<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P)  Title 16, California Code of Regulations: (CCR)  General Provisions: (GP)  Penal Code: (PC)  Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: <del>B&amp;P § 4982(i)</del>  LCSW: B&amp;P § 4992.3(j)  <del>CCR § 1881(d)</del>  LEP: B&amp;P § 4989.54(m)  LPCC: B&amp;P § 4999.90(i)  -GP: B&amp;P § 480</p>	<p>Intentionally / Recklessly Causing Physical or Emotional Harm to Client</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>90-120 days actual suspension</del></li> <li>• 5 years probation</li> <li>• Standard terms and conditions</li> <li>• Supervised practice</li> <li>• Education</li> <li>• Take and pass licensure examinations(s)</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> <p>And if warranted, <u>90-120 days actual suspension</u>; psychological/psychiatric evaluation; psychotherapy, restricted practice.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration application</li> <li>• Cost recovery</li> </ul>

<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P)  Title 16, California Code of Regulations: (CCR)  General Provisions: (GP)  Penal Code: (PC)  Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: <del>—</del>B&amp;P § 4982(d)  LCSW: B&amp;P § 4992.3(d) <u>and (e)</u>  <u>CCR § 1881(m)</u>  LEP: B&amp;P § 4989.54(k)  LPCC: -B&amp;P § 4999.90(d)  GP: B&amp;P § 480</p>	<p>Gross Negligence / Incompetence</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>60-90 days actual suspension</del>; 5 years probation</li> <li>• Standard terms and conditions; supervised practice</li> <li>• Education</li> <li>• Take and pass licensure examinations(s)</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs;</li> </ul> <p>And if warranted: <u>60-90 days actual suspension</u>; psychological/psychiatric evaluation; psychotherapy; rehabilitation <u>and monitoring</u> program; <u>dependency support program</u>; <u>relapse prevention program</u>; abstain from controlled substances/use of alcohol, submit to drug and alcohol testing; restricted practice.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>
<p>LMFT: <del>—</del>B&amp;P § 4982  CCR § 1845  LCSW: B&amp;P § 4992.3  CCR § 1881  LEP: B&amp;P § 4989.54  CCR § 1858  LPCC: B&amp;P § 4999.90  <u>CCR § 1823</u>  GP: B&amp;P § 125.6  480, 821</p>	<p>General Unprofessional Conduct</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>60-90 days actual suspension</del></li> <li>• 3-5 years probation</li> <li>• Standard terms and conditions</li> <li>• Supervised practice</li> <li>• Education</li> <li>• Cost recovery; reimbursement of probation program</li> </ul> <p>And if warranted: <u>60-90 days actual suspension</u>; psychological/psychiatric evaluation; psychotherapy; rehabilitation <u>and monitoring</u> program; <u>dependency support program</u>; <u>relapse prevention program</u>; abstain from controlled substances/use of alcohol, submit to drug and alcohol testing; restricted practice, <u>take and pass licensure examination(s)</u>; law and ethics course.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>

<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P)  Title 16, California Code of Regulations: (CCR)  General Provisions: (GP)  Penal Code: (PC)  Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: B&amp;P § 4980.40(e), 4982(a)  LCSW: B&amp;P § 4992.3(a), 4996.2(d), 4996.18(b)  LEP: –B&amp;P § 4989.20(a)(3), 4989.54(a)  LPCC: B&amp;P § 4999.90(a)  GP: B&amp;P § 480, 490, 493</p>	<p>Conviction of a Crime Substantially Related to Duties, Qualifications, and Functions of a Licensee / Registrant</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>60 days actual suspension</del></li> <li>• 5 years probation</li> <li>• Standard terms and conditions</li> <li>• Supervised practice</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> <p><u>And if warranted: 60 days actual suspension.</u></p> <p>(Costs and conditions of probation depend on the nature of the criminal offense).</p> <p>CRIMES AGAINST PEOPLE: Add: Psychological/psychiatric evaluation; psychotherapy; restitution; and if warranted: rehabilitation <u>and monitoring</u> program; restricted practice; <u>suspension.</u></p> <p>DRUGS AND ALCOHOL: Add: Random drug and alcohol testing, psychological/psychiatric/clinical diagnostic evaluation; psychotherapy; supervised practice, rehabilitation <u>and monitoring</u> program; abstain from controlled substances/use of alcohol, and if warranted: <u>dependency support program; relapse prevention program;</u> restricted practice.</p> <p>FISCAL AND PROPERTY CRIMES: Add: Restitution, and if warranted: psychotherapy; take and pass licensure <del>exam</del><u>examination(s)</u>; rehabilitation <u>and monitoring</u> program; restricted practice.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>

<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: <del>B&amp;P § 4982(j)</del> LCSW: B&amp;P § 4992.3(k) <del>CCR § 1881(e)</del> LEP: B&amp;P § 4989.54(g) LPCC: <del>B&amp;P § 4999.90(j)</del> GP: B&amp;P § 480, 650, 810</p>	<p>Commission of Dishonest, Corrupt, or Fraudulent Act Substantially Related to Qualifications, Duties and Functions of License</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>30-60 days actual suspension</del></li> <li>• 3-5 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• <del>Law and ethics course</del></li> <li>• Reimbursement of probation program costs</li> </ul> <p>And if warranted: <u>30-60 days actual suspension</u>; psychological/psychiatric evaluation; supervised practice; psychotherapy; take and pass licensure <del>exam</del><u>examination(s)</u>; <u>law and ethics course</u>; restricted practice.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>
<p>LMFT: <del>B&amp;P § 4980.02, 4982(l), 4982(s), 4982(t)</del> <del>CCR § 1845(a), 1845(b)</del> LCSW: B&amp;P § 4992.3(m) 4996.9 CCR § <del>1881(g), 1881(h), (b)</del> LEP: B&amp;P § 4989.14 4989.54(r) <del>CCR § 1858(b)</del> LPCC: B&amp;P § 4999.90(l), 4999.90(s) 4999.90(t) GP: <del>B&amp;P § 480</del></p>	<p>Performing, Representing Able to Perform, Offering to Perform, Permitting Trainee or Intern to Perform Beyond Scope of License / Competence</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>30-60 days actual suspension</del></li> <li>• 3-5 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> <p>And if warranted: <u>30-60 days actual suspension</u>; psychological/psychiatric evaluation; supervised practice; psychotherapy, take and pass licensure <del>exam</del><u>examination(s)</u>; restricted practice.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>
<p>LMFT: <del>B&amp;P § 4982.25</del> LCSW: B&amp;P § 4992.36 LEP: B&amp;P § 4989.54(h), 4989.54(i) LPCC: B&amp;P § 4990.38 GP: B&amp;P § 141, 480</p>	<p>Discipline by Another State or Governmental Agency</p>	<ul style="list-style-type: none"> <li>• Determine the appropriate penalty by comparing the violation under the other state with California law.</li> </ul> <p>And if warranted: take and pass licensure <u>examinations(s)</u> as a condition precedent to practice; reimbursement of probation program costs.</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>

<b>Statutes and Regulations</b> Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	<b>Violation Category</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
LMFT: —B&P § 4982(b) LCSW: B&P § 4992.3(b), -B&P §4992.7 LEP: —B&P § 4989.54(b) LPCC: B&P § 4999.90 (b) GP: B&P § 480, 498, 499	Securing or Attempting to Secure a License by Fraud	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration application;</li> <li>• Cost recovery.</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>
LMFT: —B&P § 4980, 4982(f) <del>CCR § 1845(a),</del> <del>1845(b)</del> LCSW: B&P § 4992.3(f)(g), 4996 <del>CCR § 1881(a)</del> LEP: B&P § 4989.54(l) LPCC: -B&P § 4999.90(f) GP: B&P § 480	Misrepresentation of License / Qualifications	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>60 days actual suspension</del></li> <li>• 3-5 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> And if warranted: <u>60 days actual suspension; take and pass licensure examinations(s).</u>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery.</li> </ul>
LMFT: —B&P § 4982(q), <u>4982(ab)</u> LCSW: B&P § 4992.3(r), <u>4992.3(z)</u> <del>CCR § 1881(4)</del> LEP: B&P § 4989.54(s), <u>4989.54(z)</u> LPCC: -B&P § 4999.90(q), <u>4999.90(aa)</u> GP: B&P § 123, 480, 496	Violates Exam Security / Subversion of Licensing Exam	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 5 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery</li> </ul>
LMFT: —B&P § 4982(g) LCSW: B&P § 4992.3(h), 4992.7 <del>CCR § 1881(b)(a)</del> LEP: CCR § 1858(a) LPCC: B&P § 4999.90(g) GP: B&P § 119, 480	Impersonating Licensee / Allowing Impersonation	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>60-90 days actual suspension</del></li> <li>• 5 years probation</li> <li>• Supervised practice</li> <li>• Standard terms and conditions</li> <li>• Psychological/psychiatric evaluation</li> <li>• Psychotherapy</li> <li>• Cost recovery</li> <li>• Reimbursement of probation costs</li> </ul> And if warranted: <u>60-90 days actual suspension</u>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery</li> </ul>

<b>Statutes and Regulations</b> Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	<b>Violation Category</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
LMFT: <del>B&amp;P § 4982(h)</del> LCSW: <del>B&amp;P § 4992.3(i)</del> CCR § <del>1881(e)</del> LEP: B&P § 4989.54 (t) LPCC: B&P § 4999.90(h) GP: B&P § 125, 480	Aiding and Abetting Unlicensed / Unregistered Activity	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>30-90 days actual suspension</del></li> <li>• 3-5 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> And if warranted: <u>30-90 days actual suspension</u> ; supervised practice.	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery</li> </ul>
LMFT: <del>B&amp;P § 4982(m)</del> LCSW: <del>B&amp;P § 4992.3(n)</del> CCR § <del>1881(i)</del> LEP: B&P § 4989.54 (q) LPCC: B&P § 4999.90(m) GP: B&P § 480	Failure to Maintain Confidentiality	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>60-90 days actual suspension</del></li> <li>• 3-5 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Take and pass licensure <del>exam</del> <u>examination(s)</u></li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> And if warranted: <u>60-90 days actual suspension</u>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery</li> </ul>
LMFT: <del>B&amp;P § 728</del> LCSW: B&P § 728 LPCC: <del>B&amp;P § 728</del> GP: B&P § 480	Failure to Provide Sexual Misconduct Brochure	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 1-3 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs.</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery</li> </ul>
LMFT: <del>B&amp;P § 4982(r),</del> 4982(t), 4982(u) CCR § 1833.1, <del>1845(b)</del> LCSW: B&P § 4992.3(s) LEP: B&P § 4989.54(ab), <del>CCR §</del> <del>1858(b)</del> LPCC: B&P § 4999.90(r) 4999.90(t), 4999.90(u)	Improper Supervision of Trainee / Intern / Associate / Supervisee	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• <del>30-90 days actual suspension</del></li> <li>• 2 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> And if warranted: <u>30-90 days actual</u> <u>suspension</u> ; supervised practice.	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery</li> </ul>

<p align="center"><b>Statutes and Regulations</b></p> <p>Business and Professions Code: (B&amp;P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)</p>	<p align="center"><b>Violation Category</b></p>	<p align="center"><b>Minimum Penalty</b></p>	<p align="center"><b>Maximum Penalty</b></p>
<p>LMFT: B&amp;P § 4982(e), 4982(u) LCSW: B&amp;P § 4992.3(f), 4992.3(s) LEP: B&amp;P § 4989.54(f) LPCC: B&amp;P § 4999.90(e) 4999.90(u) GP: B&amp;P § 480</p>	<p>Violations of the Chapter or Regulations by <u>L</u>icensees or Registrants / Violations Involving Acquisition and Supervision of Required Hours of Experience</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• Registration on probation until exams are passed and license issued</li> <li>• License issued on probation for one year</li> <li>• Rejection of all illegally acquired hours</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs.</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery</li> </ul>
<p>LMFT: -B&amp;P § 4982(o) LCSW: B&amp;P § 4992.3(p) <del>CCR § 1881(n)</del> LEP: -B&amp;P § 4989.54(p) LPCC: B&amp;P § 4999.90 (o) GP: B&amp;P § 650</p>	<p>Pay, Accept, Solicit Fee for Referrals</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 3-5 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul> <p>• <del>Law and Ethics course</del> And if warranted: take and pass licensure examination(s); law and ethics course</p>	<ul style="list-style-type: none"> <li>• Revocation / Denial of license or registration</li> <li>• Cost recovery</li> </ul>
<p>LMFT: -B&amp;P § 4982(n) LCSW: B&amp;P § 4992.3(o) <del>CCR § 1881(j)</del> LEP: -B&amp;P § 4989.54(o) LPCC: B&amp;P § 4999.90 (n)</p>	<p>Failure to Disclose Fees in Advance</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 1 year probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 30 days actual suspension</li> <li>• 2 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program</li> </ul>
<p>LMFT: B&amp;P § 4980.46, 4982(p) LCSW: B&amp;P § 4992.3(q) <del>CCR § 1881(k)</del> LEP: B&amp;P § 4989.54(e) LPCC: B&amp;P § 4999.90(p) GP: B&amp;P § 480, 651, 17500</p>	<p>False / Misleading / Deceptive / Improper Advertising</p>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 1 year probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 30-60 days actual suspension</li> <li>• 5 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul>



<b>Statutes and Regulations</b> Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	<b>Violation Category</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
LMFT: -B&P § 4982(v) LCSW: B&P § 4992.3(t) LEP: B&P § 4989.54(j) LPCC: -B&P § 4999.90(v)	Failure to Keep Records Consistent with Sound Clinical Judgment	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 1 year probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 30 days actual suspension</li> <li>• 1-3 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul>
LMFT: -B&P § 4982(y) LCSW: B&P § 4992.3(w) LEP: -B&P § 4989.54(x) LPCC: <a href="#">B&amp;P § 4999.90(ad)</a>	Willful Violation Of Chapter 1 (Commencing With Section 123100) Of Part 1 Of Division 106 Of The Health And Safety Code	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 1 year probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 30 days actual suspension</li> <li>• 1-3 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul>
LMFT: B&P § 4982(z) LCSW: B&P § 4992.3(x) LEP: B&P § 4989.54(d) LPCC: B&P § 4999.90(ac)	Failure To Comply With Section 2290.5 ( Telehealth)	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 1 year probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery;</li> <li>• Reimbursement of probation program costs.</li> </ul>	<ul style="list-style-type: none"> <li>• Revocation stayed</li> <li>• 30 days actual suspension</li> <li>• 1-3 years probation</li> <li>• Standard terms and conditions</li> <li>• Education</li> <li>• Cost recovery</li> <li>• Reimbursement of probation program costs</li> </ul>
LMFT: <a href="#">B&amp;P §§ 865.1, 865.2</a> LCSW: <a href="#">B&amp;P §§ 865.1, 865.2</a> LEP: <a href="#">B&amp;P §§ 865.1, 865.2</a> LPCC: <a href="#">B&amp;P §§ 865.1, 865.2</a> GP: <a href="#">B&amp;P §§ 865.1, 865.2</a>	<a href="#">Engaging in Sexual Orientation Change Efforts with a Patient Under Age 18</a>	<ul style="list-style-type: none"> <li>• <a href="#">Revocation stayed</a></li> <li>• <a href="#">5 years probation</a></li> <li>• <a href="#">Standard terms and conditions</a></li> <li>• <a href="#">Supervised practice</a></li> <li>• <a href="#">Education</a></li> <li>• <a href="#">Take and pass licensure examination(s)</a></li> <li>• <a href="#">Cost recovery</a></li> <li>• <a href="#">Reimbursement of probation program costs</a></li> </ul> And if warranted: 90-120 days actual suspension	<ul style="list-style-type: none"> <li>• <a href="#">Revocation / Denial of license or registration application</a></li> <li>• <a href="#">Cost recovery</a></li> </ul>

<b>Statutes and Regulations</b> Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	<b>Violation Category</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
<a href="#">LMFT: CCR § 1845(a)</a> <a href="#">LCSW: CCR § 1881(c)</a> <a href="#">LEP: CCR § 1858(b)</a> <a href="#">LPCC: CCR § 1823 (a)</a>	<a href="#">Failure to Provide Records to the Board within 15 Days of Receipt</a>	<ul style="list-style-type: none"> <li>• <a href="#">Revocation stayed</a></li> <li>• <a href="#">3-5 years probation</a></li> <li>• <a href="#">Standard terms and conditions</a></li> <li>• <a href="#">Education</a></li> <li>• <a href="#">Cost recovery</a></li> <li>• <a href="#">Reimbursement of probation program costs.</a></li> </ul> And if warranted: 60-90 days actual suspension	<ul style="list-style-type: none"> <li>• <a href="#">Revocation / Denial of license or registration</a></li> <li>• <a href="#">Cost recovery</a></li> </ul>
<a href="#">LMFT: CCR § 1845(b)</a> <a href="#">LCSW: CCR § 1881(d)</a> <a href="#">LEP: CCR § 1858(c)</a> <a href="#">LPCC: CCR § 1823(b)</a>	<a href="#">Failure to Cooperate and Participate in a Pending Board Investigation</a>	<ul style="list-style-type: none"> <li>• <a href="#">Revocation stayed</a></li> <li>• <a href="#">3-5 years probation</a></li> <li>• <a href="#">Standard terms and conditions</a></li> <li>• <a href="#">Education</a></li> <li>• <a href="#">Cost recovery</a></li> <li>• <a href="#">Reimbursement of probation program costs.</a></li> </ul> And if warranted: 60-90 days actual suspension	<ul style="list-style-type: none"> <li>• <a href="#">Revocation / Denial of license or registration</a></li> <li>• <a href="#">Cost recovery</a></li> </ul>
<a href="#">LMFT: CCR § 1845(c)</a> <a href="#">LCSW: CCR § 1881(e)</a> <a href="#">LEP: CCR § 1858(d)</a> <a href="#">LPCC: CCR § 1823(c)</a>	<a href="#">Failure to Report to the Board within 30 Days:</a> <ul style="list-style-type: none"> <li>• <a href="#">A Felony or Misdemeanor Conviction, or;</a></li> <li>• <a href="#">Any Disciplinary Action Taken by Another Licensing Entity or Government Authority</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Revocation stayed</a></li> <li>• <a href="#">3-5 years probation</a></li> <li>• <a href="#">Standard terms and conditions</a></li> <li>• <a href="#">Education</a></li> <li>• <a href="#">Cost recovery</a></li> <li>• <a href="#">Reimbursement of probation program costs.</a></li> </ul> And if warranted: 60-90 days actual suspension	<ul style="list-style-type: none"> <li>• <a href="#">Revocation / Denial of license or registration</a></li> <li>• <a href="#">Cost recovery</a></li> </ul>
<a href="#">LMFT: CCR § 1845(d)</a> <a href="#">LCSW: CCR § 1881(f)</a> <a href="#">LEP: CCR § 1858(e)</a> <a href="#">LPCC: CCR § 1823(d)</a>	<a href="#">Failure to Provide the Board with Arrest Documentation within 30 Days of Request</a>	<ul style="list-style-type: none"> <li>• <a href="#">Revocation stayed</a></li> <li>• <a href="#">3-5 years probation</a></li> <li>• <a href="#">Standard terms and conditions</a></li> <li>• <a href="#">Education</a></li> <li>• <a href="#">Cost recovery</a></li> <li>• <a href="#">Reimbursement of probation program costs.</a></li> </ul> And if warranted: 60-90 days actual suspension	<ul style="list-style-type: none"> <li>• <a href="#">Revocation / Denial of license or registration</a></li> <li>• <a href="#">Cost recovery</a></li> </ul>
<a href="#">LMFT: CCR § 1845(e)</a> <a href="#">LCSW: CCR § 1881(g)</a> <a href="#">LEP: CCR § 1858(f)</a> <a href="#">LPCC: CCR § 1823(e)</a>	<a href="#">Failure to Comply with a Court Order Mandating Release of Records to the Board</a>	<ul style="list-style-type: none"> <li>• <a href="#">Revocation stayed</a></li> <li>• <a href="#">3-5 years probation</a></li> <li>• <a href="#">Standard terms and conditions</a></li> <li>• <a href="#">Education</a></li> <li>• <a href="#">Cost recovery</a></li> <li>• <a href="#">Reimbursement of probation program costs.</a></li> </ul> And if warranted: 60-90 days actual suspension	<ul style="list-style-type: none"> <li>• <a href="#">Revocation / Denial of license or registration</a></li> <li>• <a href="#">Cost recovery</a></li> </ul>

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### III. Model Disciplinary Orders

Model Disciplinary Orders are divided into two categories. The first category consists of **Optional Terms and Conditions of Probation** that may be appropriate as demonstrated in the Penalty Guidelines depending on the nature and circumstances of each particular case. The second category consists of the **Standard Terms and Conditions of Probation** which must appear in all Proposed Decisions and proposed stipulated agreements.

To enhance the clarity of a Proposed Decision or Stipulation, the Board requests that all optional conditions (1-~~46~~18) that are being imposed be listed first in sequence followed immediately by all of the standard terms and conditions, which include cost recovery (~~17-32~~19-34).

#### Optional Terms and Conditions of Probation

Depending on the nature and circumstances of the case, the optional terms and conditions of probation that may appear are as follows:

1. Actual ~~s~~Suspension
2. Clinical Diagnostic Evaluation
- ~~2-3.~~ Psychological / Psychiatric ~~e~~Evaluation
- ~~3-4.~~ Psychotherapy
- ~~4.~~ Clinical Diagnostic Evaluation
5. Supervised Practice
6. Education
7. Take and Pass ~~l~~icensure ~~e~~xaminationsExamination(s)
- ~~8.~~ Attend Dependency Support Program
- ~~9.~~ Relapse Prevention Program
- ~~8-10.~~ Rehabilitation and Monitoring Program
- ~~9-11.~~ Abstain from Controlled Substances/Submit to Random Drug and Alcohol Testing
- ~~10-12.~~ Abstain from Use of Alcohol /Submit to Random Drug and Alcohol Testing
- ~~11-13.~~ Restricted Practice
- ~~12-14.~~ Restitution
- ~~13-15.~~ Physical Evaluation
- ~~14-16.~~ Monitor Billing System
- ~~15-17.~~ Monitor Billing System Audit
- ~~16-18.~~ Law and Ethics Course

#### 1. Actual Suspension

A. Commencing from the effective date of this ~~e~~D~~e~~cision, ~~r~~R~~e~~spondent shall be suspended from the practice of \_\_\_\_\_ for a period of \_\_\_ days.

OR

B. Commencing from the effective date of this ~~e~~D~~e~~cision, ~~r~~R~~e~~spondent shall be suspended from the practice of \_\_\_\_\_ for a period of \_\_\_\_\_ days, and such additional time as may be necessary to obtain and review the clinical diagnostic, psychological or psychiatric evaluation, to implement any recommendations from that evaluation, and to successfully complete the required licensure examinations as a condition precedent to resumption of practice as outlined in condition #\_\_\_\_ (Take

and pass licensure examinations(s)).

Respondent shall be responsible for informing ~~his or her~~ Respondent's employer of the Board's ~~d~~Decision, and the reasons for the length of suspension. Respondent shall submit documentation and/or evidence demonstrating satisfactory compliance with this condition. Prior to the lifting of the actual suspension of the license, the Board shall receive pertinent documentation confirming that ~~r~~Respondent is safe to return to practice under specific terms and conditions as determined by the Board.

## 2. Clinical Diagnostic Evaluation

Within twenty (20) days of the effective date of the Decision and at any time upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation by an evaluator as appointed by the Board. Respondent shall provide the evaluator with a copy of the Board's Decision prior to the clinical diagnostic evaluation being performed.

Any time the Respondent is ordered to undergo a clinical diagnostic evaluation, ~~his or her~~ Respondent's license or registration shall be automatically suspended for a minimum of one month pending the results of a clinical diagnostic evaluation. During such time, the Respondent shall submit to random drug testing at least two (2) times per week.

~~Respondent shall cause the~~ The evaluator shall ~~to submit to the Board~~ a written clinical diagnostic evaluation report to the Board within ten (10) days from the date the evaluation was completed, unless an extension, not to exceed thirty (30) days, is granted to the evaluator by the Board. Cost of such evaluation shall be paid by the Respondent.

Respondent's license or registration shall remain suspended until the Board determines that ~~he or she~~ Respondent is able to safely practice either full-time or part-time and has had at least one month of negative drug test results. Respondent shall comply with any restrictions or recommendations made by the Board as a result of the clinical diagnostic evaluation.

## 2-3. Psychological / Psychiatric Evaluation

Within 90 days of the effective date of this ~~d~~Decision, and on a periodic basis thereafter as may be required by the Board or its designee, ~~r~~Respondent shall complete a psychological or psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the Board. The cost of such evaluation shall be borne by ~~r~~Respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such evaluator shall furnish a written report to the Board or its designee regarding ~~r~~Respondent's judgment and ability to function independently and safely as a counselor and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the evaluator to release all information to the Board. Respondent shall comply with the recommendations of the evaluator.

Note: If supervised practice is not part of the ~~e~~Order, and the evaluator finds the need for supervised practice, then the following term shall be added to the ~~d~~Disciplinary ~~e~~Order. If a psychological or psychiatric evaluation indicates a need for supervised practice, (within 30 days of notification by the Board), ~~r~~Respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor by which the ~~r~~Respondent's practice will be supervised.

If ~~the~~ Respondent is determined to be unable to practice independently and safely, upon notification, Respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the Respondent of its determination that Respondent may resume practice.

*(FYI: The Board requires the appointment of evaluators who have appropriate knowledge, training, and experience in the area involved in the violation).*

### **3-4. Psychotherapy**

Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the Board. Within ~~45~~30 days of the effective date of this ~~the~~ Decision, Respondent shall submit to the Board or its designee for its prior approval the name and qualifications of ~~one or more~~ therapists of Respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, therapeutic, or personal relationship with Respondent, and shall not be the Respondent's supervisor. Counseling shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by Respondent.

Respondent may, after receiving the Board's written permission, receive therapy via videoconferencing if Respondent's good faith attempts to secure face-to-face counseling are unsuccessful due to the unavailability of qualified mental health care professionals in the area. The Board may require that Respondent provide written documentation of ~~his or her~~ Respondent's good faith attempts to secure face-to-face counseling ~~via videoconferencing~~.

Respondent shall provide the therapist with a copy of the Board's ~~the~~ Decision no later than the first counseling session. Upon approval by the Board, Respondent shall undergo and continue treatment until the Board ~~or its designee~~ determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the Board concerning Respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the Board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the Board.

If the treating psychotherapist finds that Respondent cannot practice safely or independently, the psychotherapist shall notify the Board within ~~three (3)~~ one (1) working days. Upon notification by the Board, Respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that Respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified Respondent that he/she/practice may resume ~~practice~~. Respondent shall document compliance with this condition in the manner required by the Board.

*(FYI: The Board requires that therapists have appropriate knowledge, training and experience in the area involved in the violation).*

### **4. Clinical Diagnostic Evaluation**

~~Within twenty (20) days of the effective date of the Decision and at any time upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator~~

~~with a copy of the Board's Decision prior to the clinical diagnostic evaluation being performed.~~

~~Any time the Respondent is ordered to undergo a clinical diagnostic evaluation, his or her license or registration shall be automatically suspended for a minimum of one month pending the results of a clinical diagnostic evaluation. During such time, the Respondent shall submit to random drug testing at least two (2) times per week.~~

~~Respondent shall cause the evaluator to submit to the Board a written clinical diagnostic evaluation report within ten (10) days from the date the evaluation was completed, unless an extension, not to exceed thirty (30) days, is granted to the evaluator by the Board. Cost of such evaluation shall be paid by the Respondent.~~

~~Respondent's license or registration shall remain suspended until the Board determines that he or she is able to safely practice either full-time or part-time and has had at least one month of negative drug test results. Respondent shall comply with any restrictions or recommendations made by the Board as a result of the clinical diagnostic evaluation.~~

## 5. Supervised Practice

Within 30 days of the effective date of this ~~e~~Decision, ~~r~~Respondent shall submit to the Board or its designee, for its prior approval, the name and qualifications s of one or more proposed supervisors and a plan by each supervisor. The supervisor shall be a current California licensed practitioner in ~~r~~Respondent's field of practice, and shall meet the requirements to qualify as a supervisor specified in statute. ~~who~~The supervisor shall submit written reports to the Board or its designee on a quarterly basis verifying that supervision has taken place as required and including an evaluation of ~~r~~Respondent's performance. The supervisor shall be independent, with no prior business, professional, therapeutic, or personal relationship with ~~r~~Respondent, and shall not be Respondent's clinical experience supervisor.

If ~~r~~Respondent is unable to secure a supervisor in ~~his or her~~Respondent's field of practice due to the unavailability of mental health care professionals in the area, then the Board may consider the following options for satisfying this probationary term:

- ~~(1) Permitting the respondent to receive supervision via videoconferencing; or,~~
- ~~(2) Permitting respondent to secure a supervisor not in the respondent's field of practice.~~
- (1) Permitting Respondent to secure a supervisor not in the Respondent's field of practice; or
- (2) Permitting the Respondent to receive supervision via videoconferencing.

The forgoing options shall be considered and exhausted by the Board in the order listed above. The Board may require ~~that r~~to provide written documentation of ~~his or her~~Respondent's good faith attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a mental health professional that is licensed in the ~~r~~Respondent's field of practice.

Respondent shall complete any required consent forms and sign an agreement with the supervisor and the Board regarding the Respondent and the supervisor's requirements and reporting responsibilities. Failure to file the required reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor access to ~~r~~Respondent's fiscal and client records. Supervision obtained from a probation supervisor shall not be used as experience gained toward licensure.

If the supervisor is no longer available, ~~r~~Respondent shall notify the Board within ~~45~~30 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision



shall be borne by ~~r~~Respondent. Supervision shall consist of at least one (1) hour per week in individual face to face meetings. The supervisor shall not be the ~~r~~Respondent's therapist.

[Optional - Respondent shall not practice until ~~he/she has notified by the Board that the Respondent's supervisor has been approved.~~received notification that the Board has approved ~~r~~Respondent's supervisor.]

## 6. Education

Respondent shall take and successfully complete the equivalency of \_\_\_\_\_ semester units in each of the following areas \_\_\_\_\_. All course work shall be taken at ~~the graduate level at an accredited or an~~ approved educational institution ~~that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, educational psychologist, or professional clinical counselor or~~ through ~~a course~~s approved by the Board. Classroom attendance ~~must be specifically~~is specifically required. Course content shall be pertinent to the violation and all course work must be completed within one year from the effective date of this Decision.

Within 90 days of the effective date of the ~~d~~Decision, ~~r~~Respondent shall submit a plan for prior Board approval for meeting these educational requirements. All costs of the course work shall be paid by the ~~r~~Respondent. Units obtained for an approved course shall not be used for continuing education units required for renewal of licensure.

*(FYI: This term is appropriate when the violation is related to record keeping, which includes but is not limited to: recordkeeping, documentation, treatment planning, progress notes, -security of records, billing and reporting requirements.)*

## 7. Take and Pass Licensure ExaminationsExamination(s)

Respondent shall take and pass one or more of the licensure ~~exam(s)~~examination(s) currently required of new applicants for the license possessed by ~~r~~Respondent, as deemed appropriate by the Board. Respondent shall not practice until such time as ~~r~~Respondent has taken and passed ~~these~~the examinations(s) prescribed by the Board. Respondent shall pay the ~~established~~required examination fees. If ~~r~~Respondent has not taken and passed the prescribed examination(s) within twelve months from the effective date of this ~~d~~Decision, ~~r~~Respondent shall be considered to be in violation of probation.

## 8. Attend Dependency Support Program

Respondent shall attend a dependency support program approved by the Board no less than times per week. Physical attendance is required, and attendance via videoconferencing is specifically prohibited. Respondent shall provide proof of attendance at said program with each quarterly report that Respondent submits during the period of probation. Failure to attend, or to show proof of such attendance, shall constitute a violation of probation.

## 9. Relapse Prevention Program

Within fifteen (15) days from the effective date of the Decision, Respondent shall submit to the Board or its designee for prior approval the name of one or more program(s) for relapse prevention. Respondent shall enter a relapse prevention program within fifteen (15) days after notification of the board's approval of such program. Respondent shall successfully complete such treatment contract as may be recommended by the program and approved by the Board or its designee. Respondent



shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall sign a release allowing the program to release to the Board all information the Board deems relevant. The Respondent shall take all necessary steps to ensure that the relapse prevention program submits quarterly written reports to the Board addressing the Respondent's treatment and progress in the program.

Components of the treatment contract shall be relevant to the violation and to the Respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random biological fluid testing, abstention from drugs and alcohol, use of worksite monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations, and other appropriate relapse prevention program(s). All costs of participating in the program(s) shall be borne by the Respondent.

#### **8-10. Rehabilitation and Monitoring Program**

Within fifteen (15) days from the effective date of the ~~d~~Decision, ~~r~~Respondent shall submit to the Board or its designee for prior approval the name of one or more rehabilitation and monitoring program(s). Respondent shall enter a rehabilitation and monitoring program within fifteen (15) days after notification of the ~~b~~Board's approval of such program. Respondent shall successfully complete such treatment contract as may be recommended by the program and approved by the Board or its designee. Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall sign a release allowing the program to release to the Board all information the Board deems relevant. The ~~r~~Respondent shall take all necessary steps to ensure that the ~~rehabilitation~~ program submits quarterly written reports to the Board addressing the ~~r~~Respondent's treatment and progress in the program.

Components of the treatment contract shall be relevant to the violation and to the ~~r~~Respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random drug and alcohol testing, abstention from drugs and alcohol, use of worksite monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations, and other appropriate rehabilitation or monitoring programs. All costs of participating in the program(s) shall be borne by the ~~r~~Respondent.

#### **9-11. Abstain from Controlled Substances / Submit to Drug and Alcohol Testing**

Respondent shall completely abstain from the use or possession of controlled or illegal substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

Respondent shall immediately submit to random and directed drug and alcohol testing, at ~~r~~Respondent's cost, upon request by the Board or its designee. The Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to the Respondent, the Respondent's current employer, and the Respondent's supervisor, if any, and shall be a violation of probation.

~~If the Respondent tests positive for a controlled substance, Respondent's license or registration shall be automatically suspended.~~ Respondent shall make daily contact as directed by the Board to determine if ~~he or she~~Respondent must submit to drug testing. Respondent shall submit ~~his or her~~to the drug test on the same day that ~~he or she is notified that a test is required~~a required test notification is received. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

If the Respondent tests positive for a controlled substance, Respondent's license or registration shall be automatically suspended.

#### **40-12. Abstain from Use of Alcohol / Submit to Drug and Alcohol Testing**

Respondent shall completely abstain from the intake of alcohol during the period of probation.

Respondent shall immediately submit to random and directed drug and alcohol testing, at ~~Respondent's~~ cost, upon request by the Board or its designee. The Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to the Respondent, the Respondent's current employer, and to the Respondent's supervisor, if any, and shall be a violation of probation.

~~If the Respondent tests positive for alcohol and/or a controlled substance, Respondent's license or registration shall be automatically suspended.~~ Respondent shall make daily contact as directed by the Board to determine if ~~he or she~~ Respondent must submit to drug testing. Respondent shall submit ~~his or her~~ to the drug test on the same day ~~that he or she is notified that a test is required~~ a required test notification is received. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

If the Respondent tests positive for alcohol and/or a controlled substance, Respondent's license or registration shall be automatically suspended.

#### **41-13. Restricted Practice**

Respondent's practice shall be limited to \_\_\_\_\_. Within 30 days from the effective date of the ~~Decision~~, ~~Respondent~~ shall submit to the Board or its designee, for prior approval, a plan to implement this restriction. Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall notify their supervisor of the restrictions imposed on their practice.

#### **42-14. Restitution**

Within 90 days of the effective date of this ~~Decision~~, ~~Respondent~~ shall provide proof to the Board or its designee of restitution in the amount of \$\_\_\_\_\_ paid to \_\_\_\_\_.

#### **43-15. Physical Evaluation**

Within 90 days of the effective date of this ~~Decision~~, and on a periodic basis thereafter as may be required by the Board or its designee, ~~Respondent~~ shall complete a physical evaluation by such licensed physicians as are appointed by the Board. The cost of such evaluation shall be borne by ~~Respondent~~. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such physician shall furnish a written report to the Board or its designee regarding ~~Respondent's~~ judgment and ability to function independently and safely as a therapist and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the physician to release all information to the Board. Respondent shall comply with the recommendations of the physician.

If a physical evaluation indicates a need for medical treatment, within 30 days of notification by the Board, Respondent shall submit to the Board or its designee the name and qualifications of the medical provider, and a treatment plan prepared by the medical provider by which the Respondent's physical treatment will be provided.

If Respondent is determined to be unable to practice independently and safely, upon notification, Respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the Respondent of its determination that Respondent may resume practice.

#### **44.16. Monitor Billing System**

Within fifteen (15) days from the effective date of the Decision, Respondent shall submit to the Board or its designee for prior approval the name of one or more independent billing systems which monitor and document the dates and times of client visits. Respondent shall obtain the services of the independent billing system monitoring program within fifteen (15) days after notification of the Board's approval of such program. –Clients are to sign documentation stating the dates and time of services rendered by Respondent and no bills are to be issued unless there is a corresponding document signed by the client in support thereof. The billing system service shall submit quarterly written reports concerning Respondent's cooperation with this system. The cost of the service shall be borne by Respondent. Failure to pay for the monitoring in a timely fashion shall constitute a violation of probation.

#### **45.17. Monitor Billing System Audit**

Within 60 days of the effective date of this Decision, Respondent shall provide to the Board or its designee the names and qualifications of three auditors. The Board or its designee shall select one of the three auditors to annually audit Respondent's billings for compliance with the Billing System condition of probation. During said audit, randomly selected client billing records shall be reviewed in accordance with accepted auditing/accounting standards and practices. The cost of the audits shall be borne by Respondent. Failure to pay for the audits in a timely fashion shall constitute a violation of probation.

#### **46.18. Law and Ethics Course**

Respondent shall take and successfully complete the equivalency of two semester units in law and ethics. Course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, educational psychologist, professional clinical counselor as defined in Sections 4980.40, 4996.18, 4999.32 or 4999.33 of the Business and Professions Codes and Section 1854 of Title 16 of the California Code of Regulations or through a course approved by the Board. Classroom attendance must be specifically required. Within 90 days of the effective date of this Decision, Respondent shall submit a plan for prior Board approval for meeting this educational requirement. Said course must be taken and completed within one year from the effective date of this Decision. The costs associated with the law and ethics course shall be paid by the Respondent. Units obtained for an approved course in law and ethics shall not be used for continuing education units required for renewal of licensure.

*(FYI: This term is appropriate when the licensee fails to keep informed about or comprehend the legal obligations and/or ethical responsibilities applicable to their actions. Examples include violations involving boundary issues, transference/countertransference, breach of confidentiality and reporting requirements.)*

## Standard Terms and Conditions of Probation

The sixteen standard terms and conditions generally appearing in every probation case are as follows:

- ~~17-19.~~ Obey All Laws
- ~~18-20.~~ File Quarterly Reports
- ~~19-21.~~ Comply with Probation Program
- ~~20-22.~~ Interviews with the Board
- ~~21-23.~~ Failure to Practice - Tolling
- ~~22-24.~~ Change of Place of Employment or Place of Residence
- ~~23-25.~~ Supervision of Unlicensed Persons
- ~~24-26.~~ Notification to Clients
- ~~25-27.~~ Notification to Employer
- ~~26-28.~~ Violation of Probation
- ~~27-29.~~ Maintain Valid License
- ~~28-30.~~ License Surrender
- ~~29-31.~~ Instruction of Coursework Qualifying for Continuing Education
- ~~30-32.~~ Notification to Referral Services
- ~~31-33.~~ Reimbursement of Probation Program
- ~~32-34.~~ Cost Recovery

### Specific Language for Standard Terms and Conditions of Probation (To be included in all Decisions)

#### ~~17-19.~~ Obey All Laws

Respondent shall obey all federal, state and local laws, all statutes and regulations governing the licensee, and remain in full compliance with any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by the ~~R~~Respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, ~~R~~Respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days of the effective date of the ~~D~~Decision, unless previously submitted as part of the licensure application process. Respondent shall pay the cost associated with the fingerprint process.

#### ~~18-20.~~ File Quarterly Reports

Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether ~~he/she~~Respondent has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice ~~R~~Respondent shall continue to submit quarterly reports under penalty of perjury.

#### ~~19-21.~~ Comply with Probation Program

Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the ~~R~~Respondent's compliance with the program.

## **20-22. Interviews with the Board**

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

## **21-23. Failure to Practice - Tolling**

In the event ~~f~~R Respondent stops practicing in California, ~~f~~R Respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Non-practice is defined as any period of time exceeding thirty calendar days in which ~~f~~R Respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term and will relieve ~~f~~R Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; File Quarterly Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost Recovery. ~~Respondent's license/registration shall be automatically cancelled if respondent's period of non-practice total two years.—The failure to practice for a total of two years shall be a violation of probation.~~

## **22-24. Change of Place of Employment or Place of Residence**

Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the old address, the new address, the telephone number and the date of the change.

## **23-25. Supervision of Unlicensed Persons**

While on probation, ~~f~~R Respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the Board. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision.

## **24-26. Notification to Clients**

Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

*(FYI: Respondents should seek guidance from Board staff regarding appropriate application of this condition).*

## **25-27. Notification to Employer**

Respondent shall provide each of ~~his or her~~ Respondent's current or future employers, when performing services that fall within the scope of practice of ~~his or her~~ Respondent's license, a copy of this Decision and the Statement of Issues or Accusation before commencing employment.

Notification to the ~~Respondent's~~ current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

The Respondent shall provide ~~to~~ the Board with the names, physical addresses, and telephone numbers of all employers, supervisors, and contractors.

Respondent shall complete the required consent forms and sign an agreement with the employer and supervisor, or contractor, and the Board to allow the Board to communicate with the employer and supervisor or contractor regarding the ~~licensee or registrant's~~ Respondent's work status, performance, and monitoring.

## **26-28. Violation of Probation**

If ~~Respondent~~ violates the conditions of ~~his/her~~ probation, the Board, after giving ~~Respondent~~ notice and the opportunity to be heard, may seek to set aside the stay order and impose the discipline (revocation/suspension) of ~~Respondent's~~ license [or registration] provided in the ~~Decision~~ by filing an accusation, petition to revoke probation, or statement of issues.

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against ~~Respondent's~~ license [or registration] or application for licensure, or ~~the if the Board has requested the~~ Attorney General's office ~~has been requested~~ to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this ~~Decision~~ shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the ~~Board~~. Upon successful completion of probation, ~~Respondent's~~ license [or registration] shall be fully restored.

## **27-29. Maintain Valid License**

Respondent shall, at all times while on probation, maintain a current and active license with the Board, including any period during which suspension or probation is tolled. Should ~~Respondent's~~ license, by operation of law or otherwise, expire, upon renewal ~~Respondent's~~ license shall be subject to any and all terms of this probation not previously satisfied.

## **28-30. License Surrender**

Following the effective date of this ~~Decision~~, if ~~Respondent~~ ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, ~~Respondent~~ may ~~voluntarily~~ request the voluntary surrender of ~~his/her~~ Respondent's license to the Board. The Board reserves the right to evaluate the ~~Respondent's~~ request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, ~~Respondent~~ shall within 30 calendar days deliver ~~Respondent's~~ license and certificate and if applicable wall certificate to the Board or its designee and ~~Respondent~~ shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered license, ~~Respondent~~ will no longer be subject to the terms and conditions of probation.

Voluntary surrender of ~~Respondent's~~ license shall be considered to be a disciplinary action and shall become a part of ~~Respondent's~~ license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should ~~Respondent~~ at any time after



voluntary surrender ever reapply to the Board for licensure. Respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

### **29-31. Instruction of Coursework Qualifying for Continuing Education**

Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the Board.

### **30-32. Notification to Referral Services**

Respondent shall immediately send a copy of this ~~d~~Decision to all referral services registered with the Board in which Respondent is a participant. While on probation, Respondent shall send a copy of this ~~d~~Decision to all referral services registered with the Board that Respondent seeks to join.

### **31-33. Reimbursement of Probation Program**

Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period. Reimbursement costs shall be \$          1,200 per year.

### **32-34. Cost Recovery**

Respondent shall pay the Board \$                     as and for the reasonable costs of the investigation and prosecution of Case No.                     . ~~Respondent shall make such payments as follows: [Outline payment schedule.] Respondent shall make payments pursuant to a payment plan outlined by the Board.~~ Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order ~~that it is the following: cost recovery payment for~~ "Cost Recovery: Case No.                     ". ~~In lieu of a check or money order, Respondent may make a credit card payment online via the Board's website, after creating a Breeze account.~~ Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, Respondent shall be considered to be in violation of probation. A period of non-practice by Respondent shall not relieve Respondent of ~~his or her~~ Respondent's obligation to reimburse the ~~B~~board for its costs.

Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the Board may be extended at the discretion of the Enforcement Manager based on good cause shown by the probationer.

## IV. BOARD POLICIES AND GUIDELINES

### Accusations

The Board of Behavioral Sciences (Board) has the authority pursuant to Section 125.3 of the Business and Professions Code to recover costs of investigation and prosecution of its cases. The Board requests that this fact be included in the pleading and made part of the [A](#)ccusation.

### Statement of Issues

The Board will file a Statement of Issues to deny an application of a candidate for the commission of an act, which if committed by a licensee would be cause for license discipline.

### Stipulated Settlements

The Board will consider entering into stipulated settlements to promote cost effective consumer protection and to expedite disciplinary decisions. The [R](#)espondent should be informed that in order to stipulate to settlement with the Board, he or she may be required to admit to the violations set forth in the [A](#)ccusation [or](#) [Statement of Issues](#). The Deputy Attorney General must accompany all proposed stipulations submitted with a memo addressed to Board members explaining the background of the case, defining the allegations, mitigating circumstances, admissions, and proposed penalty along with a recommendation.

### Recommended Language for License Surrenders

"Admission(s) made in the stipulation are made solely for the purpose of resolving the charges in the pending [A](#)ccusation, and may not be used in any other legal proceedings, actions or forms, except as provided in the stipulation.

The admissions made in this stipulation shall have no legal effect in whole or in part if the Board does not adopt the stipulation as its [D](#)ecision and [O](#)rders."

### [Contingency](#)

#### [Contingency](#)

"This stipulation shall be subject to approval by the Board of Behavioral Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Behavioral Sciences may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his/her counsel. By signing the stipulation, Respondent understands and agrees that he/she may not withdraw his/her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter."

#### [Order](#)

"Respondent fully understands that when the Board adopts the license surrender of [R](#)espondent's license, [R](#)espondent will no longer be permitted to practice as a \_\_\_\_\_ in California. Respondent further understands that the license surrender of his or her license, upon adoption, shall be considered to be a



disciplinary action and shall become a part of Respondent's license history with the Board.

The Respondent further agrees that with the adoption by the Board of his or her license surrender, Respondent may not petition the Board for reinstatement of the surrendered license.

Respondent may reapply to the Board for licensure three years from the date of surrender and must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

Respondent understands that should he or she ever reapply for licensure as a \_\_\_\_\_ or should he or she ever apply for any other registration or ~~license~~ licensure issued by the Board, or by the Board of Psychology, all of the charges contained in Accusation No. \_\_\_\_\_ shall be deemed admitted for the purpose of any Statement of Issues or other proceeding seeking to deny such application or reapplication."

### **Recommended Language for Applicant Registration-~~Applicants~~**

IT IS HEREBY ORDERED THAT Respondent \_\_\_\_\_ be issued a Registration as a \_\_\_\_\_. Said Registration shall be revoked. The revocation will be stayed and Respondent placed on \_\_\_\_\_ years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is granted a subsequent registration, becomes licensed, or is granted another registration or license regulated by the Board during the probationary period.

For purposes of this Order, and consistent with Business and Professions Code section 23.7, all references to the word "license" contained in any term or condition shall also be interpreted as meaning "registration."

### **Recommended Language for Registrants**

IT IS HEREBY ORDERED THAT \_\_\_\_\_ Registration Number \_\_\_\_\_ issued to Respondent \_\_\_\_\_ is revoked. The revocation will be stayed and Respondent placed on \_\_\_\_\_ years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is granted a subsequent registration, becomes licensed, or is granted another registration or license regulated by the Board during the probationary period.

For purposes of this Order, and consistent with Business and Professions Code section 23.7, all references to the word "license" contained in any term or condition shall also be interpreted as meaning "registration."

### **Recommended Language for Licensees**

IT IS HEREBY ORDERED THAT \_\_\_\_\_ License Number \_\_\_\_\_ issued to Respondent \_\_\_\_\_ is revoked. The revocation will be stayed and Respondent placed on \_\_\_\_\_ years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is granted another registration or license regulated by the Board.

### ***Proposed Decisions***

The Board requests that proposed decisions include the following if applicable:

- A. Names and addresses of all parties to the action.
- B. Specific Code section violated with the definition of the Code in the Determination of Issues.

- C. Clear description of the acts or omissions that constitute a violation.
- D. Respondent's explanation of the violation in the Findings of Fact if he or she is present at the hearing.
- E. Explanation for deviation from the Board's Disciplinary Guidelines.

When a probation order is imposed, the Board requests that the Order first list the Optional Terms and Conditions (~~1-4618~~) followed by the Standard Terms and Conditions (~~17-3219-34~~) as they may pertain to the particular case. If the Respondent fails to appear for his or her scheduled hearing or does not submit a notice of defense, such inaction shall result in a Default Decision to revoke licensure or deny application.

**Reinstatement / Reduction of Penalty Hearings**

The primary concerns of the Board at reinstatement or penalty relief hearings are (1) the Rehabilitation Criteria for Suspensions or Revocations identified in Title 16, California Code of Regulations Section 1814, and (2) the evidence presented by the petitioner of his or her rehabilitation. The Board is not interested in retrying the original revocation or probation case. The Board shall consider, pursuant to Section 1814, the following criteria of rehabilitation:

- (1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.
- (2) Evidence of any acts committed subsequent to the acts or crimes under consideration as grounds for suspension or revocation under Section 490 of the Code.
- (3) The time that has elapsed since commission of the acts or crimes 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.

In the Petition Decision the Board requires a summary of the offense and the specific codes violated which resulted in the revocation, surrender, or probation of the license.

In petitioning for Reinstatement or Reduction of Penalty under Business and Professions Code Section 4982.24990.30, the petitioner has the burden of demonstrating that he or she has the necessary and current qualifications and skills to safely engage in the practice of marriage and family therapy, clinical social work, educational psychology, or professional clinical counselor within the scope of current law, and accepted standards of practice. In reaching its determination, the Board considers various factors including the following:

- A. The original violations for which action was taken against the petitioner's license;
- B. Prior disciplinary and criminal actions taken against the petitioner by the Board, any State, local,

or Federal agency or court;

- C. The petitioner's attitude toward his or her commission of the original violations and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts;
- D. The petitioner's documented rehabilitative efforts;
- E. Assessment of the petitioner's rehabilitative and corrective efforts;

F. All activities of the petitioner since the disciplinary action was taken;

G. The petitioner's activities during the time his or her license or registration was in good standing;

H. The petitioner's general reputation for truth;

I. The petitioner's professional ability;

F.J. In addition, the Board may consider other appropriate and relevant matters not reflected above.

If the Board should deny a request for reinstatement of a revoked license or reduction of penalty (modification or termination of probation), the Board requests the Administrative Law Judge provide technical assistance in the formulation of language clearly setting forth the reasons for denial.

If a petitioner fails to appear for his or her scheduled reinstatement or penalty relief hearing, such proceeding shall go forth without the petitioner's presence and the Board will issue a decision based on the written evidence and oral presentations submitted.

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**To:** Policy and Advocacy Committee Members      **Date:** January 23, 2017  
**From:** Christy Berger      **Telephone:** (916) 574-7817  
Regulatory Analyst  
**Subject:** **Proposed Rulemaking: Filing of Addresses; Applications; Confirmation of Qualifications to Treat Couples and Families; and Experience as Credentialed School Psychologist**

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Staff has identified a number of changes necessary to Title 16, Division 18, California Code of Regulations (CCR) pertaining to the following:

- Submission of applicant and licensee addresses of record, telephone numbers and email addresses
- Requiring signature under penalty of perjury on certain applications and forms
- The types of information collected on various applications and forms, and the documentation and verifications that must accompany those forms. Much of this portion of the proposal is simply codifying current practice, and should be formalized in regulation as recommended by the Board's legal counsel.

The specific changes, and the reasons for the proposed changes are as follows (see **Attachment A** for proposed language):

**A. Amendments to Section 1804 – Applicant and Licensee Contact Information:**

**1. 1804(a): Reporting of Addresses:**

The proposed changes to section 1804(a) would clarify the regulation pertaining to maintaining a public mailing address with the Board as follows:

- Remove “professional corporation” as the Board discontinued registration of corporations in 2000<sup>1</sup>.

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<sup>1</sup> AB 1677, Ch. 657, Stats. 1999

- Clarify the acceptable types of addresses.
- Clarify that each licensee’s and registrant’s address of record will be disclosed to the public<sup>2</sup>.
- Clarify that applicants must provide an address of record, but it will not be made public until a license or registration is issued.
- Disallow the use of an address in “care of” or “c/o” another person. Allowing a “c/o” requires adding another person’s or business’ name to the individual’s license or registration certificate, and also to the licensee’s online record. Not only is this potentially misleading to the public, but would result in that person/business name being associated with the licensee’s or registrant’s public record.

**2. 1804(b),(c),(d): Reporting of Telephone Numbers and Email Addresses:**

These amendments would:

- State that telephone numbers and email addresses are confidential information.
- Codify the Board’s current practice of requiring an applicant’s telephone number and email address on applications for licensure or registration. This information is necessary to facilitate communications when processing an application and when notifying of eligibility to take an examination.
- Newly require all current licensees and registrants to provide the Board with a telephone number and email address, if they have one. This information is necessary in order to facilitate communications with licensees and registrants. This requirement would be phased in to minimize workload impact to staff.
- Require Board notification of changes to a telephone number or email address within 30 calendar days in writing, consistent with current law for mailing addresses.

**B. Amendments to Section 1805 - Applications:**

The proposed changes would do all of the following:

1. 1805(b): Specify the documentation required to be submitted with an application for registration or licensure, in order to codify current practice. See **Attachments B and C** for example registration and licensing application packets and instructions. Required documentation includes:
  - A passport-acceptable photograph taken within the past 60 days, which will help establish an applicant’s identity, and serve as a reference for the Board’s Enforcement unit in cases where there is suspicion of impersonation, or where there is possible misrepresentation in an online advertisement.

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<sup>2</sup> Per the requirements of Business and Professions Code section 27(a)

- Documentation verifying completion of various educational requirements.
  - Certification of any out-of-state health care practitioner-related license or registration held.
2. 1805(b) & (c): Specify the documentation required to be submitted with an application for licensure in order to codify current practice, and to clarify that those who previously applied for a registration are not required to resubmit specified documentation if still on file. Required documentation may include:
    - Verification of supervised experience including contact information for the supervisor and employer (See **Attachment D** for an example).
    - Verification of passing a national clinical examination, if required.
    - A signed examination security agreement (**See Attachment E**).
  3. 1805(d) & (e): Specify the documentation required to be submitted with an application expedite request for a veteran (**Attachment F**) or military spouse/domestic partner (**Attachment G**).
  4. 1805(f): Require applications for registration or licensure to be signed under penalty of perjury (see this memo section E for more information).
  5. 1805(g): Allow the Board to use discretion in accepting other documentation that establishes the applicant's qualifications. This will give staff some flexibility when an applicant is unable to furnish a document specifically required by the proposed regulation.

**C. Amendments to Section 1820.7 – LPCC Confirmation of Qualifications to Assess or Treat Couples and Families**

The proposed changes would do all of the following (see **Attachment H** for the application and instructions):

- Clarify that confirmation of qualifications is necessary not just to treat, but also to assess couples and families, consistent with the wording of section 4999.20 of the BPC.
- 1820.7(c): Codify the Board's current practice of requiring official transcripts, and course descriptions or syllabi when necessary.
- 1820.7(d): Clarify the specific information that must be included on the required documentation of experience with couples, families or children.
- 1820.7(e): Minor technical changes.
- Change "intern" to "associate" in accordance with SB 1478 (Chapter 489, Statutes of 2016).

#### **D. Amendments to Section 1856 – LEP Experience Requirements**

The proposed changes would codify the Board's current practice pertaining to verification of the experience required for licensure as an educational psychologist, and specifies the information that must be included in the verifications (**Attachments I and J**).

#### **E. Signatures under Penalty of Perjury**

The proposed changes would require signatures on certain forms and applications to be made under penalty of perjury. The penalty for perjury is very serious, so instituting such a requirement was carefully weighed in each instance to determine whether truly necessary. Penal Code section 118 sets forth the potential penalty for perjury as a felony conviction with imprisonment for up to four (4) years, and could include court fines.

The Board's recourse against its own applicants, registrants and licensees who submit false, fraudulent or deceitful information on an application or form, or who knowingly misrepresent information or knowingly omit a material fact on an application or form, is as stated below:

- Applicants: The Board may either (1) deny the application (refuse to issue the registration or license), or (2) issue the license or registration, and then take disciplinary action or issue a citation and fine.
- Licensees and Registrants: Disciplinary action may be taken on the registration or license, or a citation and fine may be issued.

The following are proposed to require signature under penalty of perjury:

- Applicant's signature on licensure and registration applications (See **Attachments B & C** for example application forms).

Rationale: *The applicant must respond to questions pertaining to convictions, discipline and substance abuse. In addition, signature under penalty of perjury on applications is required by 10 out of 10 other DCA health boards surveyed by staff.*

- Supervisor's signature on verification of experience forms (See **Attachment D** for an example experience verification form).

Rationale: *The Board has recourse against its own licensees for providing false, fraudulent or deceitful information. However, some supervisors are licensed as a psychologist or as a physician, and the Board has no jurisdiction in these instances.*

- A school district employee verifying LEP experience (See **Attachments H & I**).

Rationale: *The Board has no jurisdiction over school district employees.*

- Licensee and registrant signatures on renewal applications (See **Attachment K**).

Rationale: *Licensees and registrants must report any convictions or discipline.*



- Applicant’s signature on license “reactivation” applications (See **Attachments L & M**).  
*Rationale: Licensees and registrants must report any convictions or discipline.*

### **Recommendation**

The Policy and Advocacy Committee should conduct an open discussion regarding the proposed language, make necessary changes, and bring it to the full Board for consideration.

### **ATTACHMENTS:**

**Attachment A:** Proposed Language

**Attachment B:** Example Registration Application and Instructions – LMFT Intern

**Attachment C:** Example Licensing Application and Instructions – LPCC Licensure

**Attachment D:** Example Experience Verification form - LPCC

**Attachment E:** Examination Security Agreement

**Attachment F:** Military Veteran Expedite Request

**Attachment G:** Military Spouse/Partner Expedite Request

**Attachment H:** LPCC Request for Confirmation of Qualifications to Assess and Treat Couples and Families and Instructions

**Attachment I:** LEP Verification of Experience as a Credentialed School Psychologist

**Attachment J:** LEP Verification of Supervised Experience

**Attachment K:** License Renewal Application

**Attachment L:** Request to Restore Inactive License to Active Status

**Attachment M:** Request to Restore Retired License to Active Status

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## Attachment A

### BOARD OF BEHAVIORAL SCIENCES

#### Initial Draft Language:

### **Applicant and Licensee Contact Information and Application Requirements and Documentation**

#### **§1804. FILING OF ADDRESSES APPLICANT AND LICENSEE CONTACT INFORMATION**

~~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.~~

(a) Address of record. Every applicant, registrant and licensee shall provide a current address of record to the board, which will be used for all communications with the board. The address of record of a registrant or licensee will be disclosed to the public. As such, an applicant's address of record will be public once the applicant is issued a license or registration.

(1) A residential address is not required. A business address or post office box may be provided instead.

(2) Addresses denoting "in care of" or "c/o" shall not be accepted.

(b) Telephone number and email address. Every applicant, registrant and licensee shall provide a current telephone number and email address to the board. Telephone numbers and email addresses are confidential information and shall not be made available to the public. This subdivision only requires the current telephone number and email address to be reported, and does not require the applicant to obtain a telephone number or email address.

(c) Every applicant, registrant and licensee shall report any change to the address of record, telephone number or e-mail address to the board no later than thirty (30) calendar days after the change has occurred. The report of change shall be in writing, and shall include the effective date of the change.

(d) Individuals who have been issued a registration or license, or who have an application pending for licensure or registration prior to the effective date of this section, are not immediately required to provide a telephone number or e-mail address to the board. The telephone number or e-mail address shall be provided with the registrant's or licensee's forthcoming renewal application, or with the registrant's request for initial license issuance, whichever occurs first.

*Note: Authority Cited: Sections 4980.60, 4990.14 and 4990.20, Business and Professions Code. Reference: Sections 136, 4980.07, 4980.30, 4980.40, 4980.44, 4984, 4984.01, 4989.20, 4989.32, 4989.36, 4990.08, and 4990.12, 4992, 4996.2, 4996.6, 4996.18,*

## **§ 1805. APPLICATIONS**

(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board and shall be signed under penalty of perjury.

(b) Applicants for registration or licensure shall submit all of the following documents. An applicant for licensure who has previously been issued a registration by the Board shall not be required to resubmit documentation that was previously submitted with his or her application for registration if the documentation is still on file.

(1) A passport-acceptable photograph of the applicant's head and shoulders taken within the 60 days immediately preceding the date of filing the application. The applicant's full face must be visible in the photograph.

(2) Official transcripts that demonstrate compliance with educational requirements in an envelope that has been sealed by the school.

(3) The original degree evaluation, if the applicant's degree was obtained outside of the United States, in an envelope that has been sealed by the evaluating agency.

(4) Certificates of completion or transcripts, for coursework taken from a continuing education provider.

(5) Course syllabi shall be required when necessary to determine compliance with course content requirements.

(6) For LMFT or LPCC applicants, a degree program certification in an envelope that has been sealed by the school. This certification shall include the applicant's date of birth, degree enrollment and award date, a statement that the applicant was provided with the notification required by sections 4980.38 or 4999.40 of the Code, as applicable, the name of the institution's accrediting body or approval agency, and the coursework completed by the applicant. The certification shall be signed by the school's chief academic officer or by an individual designated by the chief academic officer.

(7) For applicants who hold an out-of-state health care practitioner license or registration, a certification from each state in which he or she holds or has held a registration or license, in an envelope that has been sealed by that state agency. The certification shall include the applicant's date of birth, any disciplinary action or complaints pending, and a summary of any completed supervised experience. The certification shall include the printed name and title of the individual signing the form, and the licensing agency's name and telephone number. "Health care practitioner" is defined as any of the healing arts licenses listed pursuant to Division 2 of the Code.

(c) Applicants for LMFT, LCSW or LPCC licensure, and applicants for LEP examination eligibility, shall submit all of the following:

(1) Documentation of completed supervised experience, which demonstrates compliance with Chapter 13, 13.5, 14 or 16 of the Code and with regulations, as applicable. Such documentation shall include the supervisor's telephone number, and the address and telephone number of the applicant's employer or the address and telephone number of the applicant's volunteer work setting, as applicable. The supervisor shall sign the documentation of completed experience under penalty of perjury.

(2) If the applicant has passed a national clinical examination specified as acceptable in regulation, an official verification from the national entity that administered the clinical examination in an envelope that has been sealed by that national entity.

(3) A statement signed by the applicant wherein he or she agrees to not subvert or to attempt to subvert the licensing examination or the administration of an examination as specified in section 123 of the Code.

(d) Military veterans requesting an application expedite request per section 115.4 of the Code shall submit a signed request attached to the top of the application that he or she is requesting to be expedited, along with a copy of the applicant's DD Form 214, "Certificate of Release or Discharge from Active Duty" issued by the United States Department of Defense.

(e) A spouse or domestic partner of an active duty member of the military submitting an application expedite request per section 115.5 of the Code, shall submit a signed request attached to the top of the application that he or she is requesting to be expedited, along with all of the following:

(1) Evidence that the applicant is married to, in a domestic partnership with, or in another type of legal union with an active duty member of the military.

(2) Evidence that the applicant's spouse or partner has been assigned to a duty station in California under official active duty military orders.

(3) Evidence that the applicant holds a current license or registration in another state, district or territory of the United States in the profession for which the applicant seeks licensure or registration from the Board.

(f) Applicants shall sign a request for renewal of a license or registration under penalty of perjury.

(g) Applicants requesting a license status change from "retired" to "active," or from "inactive" to "active" shall sign the request under penalty of perjury and shall certify that the applicant did not engage in any activity for which an active license was required while the license was inactive or retired.

(g) When an applicant is unable to furnish any of the documents required by this section due to circumstances beyond his or her control, the board may accept other documentation that establishes the applicant's qualifications deemed equivalent by the board on a case-by-case basis.

*Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4980.44, ~~4980.50, 4984, 4984.01, 4989.20, 4989.32, 4989.36, 4992, 4992.1, 4996.2, 4996.6, 4996.18, 4996.28, 4999.42, 4999.50, and 4999.53, 4999.100, 4999.102, and 4999.104,~~ Business and Professions Code.*

## LPCC

### **§1820.7 CONFIRMATION OF QUALIFICATIONS TO ASSESS OR TREAT COUPLES OR AND 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 assess or treat couples and families, and shall provide a copy of this written confirmation to the clients prior to commencement of couple or family assessment or 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 assess or 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~~ associate or trainee.

(2) A licensed professional clinical counselor or professional clinical counselor ~~intern~~ associate gaining supervised experience to comply with section 4999.20(a)(3).

(c) Licensed professional clinical counselors applying for written confirmation from the Board shall submit official transcripts, demonstrating that the licensee has met the training and educational requirements required to assess or treat couples and families, in an envelope that has been sealed by the school. Licensees shall also submit course descriptions or course syllabi if course titles do not indicate course content.

(d) Licensed professional clinical counselors applying for written confirmation from the Board shall submit documentation demonstrating compliance with section 4999.20(a)(3)(B) of the Code. Such documentation shall include the employer's name and telephone number, the dates during which the applicant completed his or her supervised experience, and the total number of experience hours completed.

~~(e)~~(e) The board shall accept any of the following as documentation of the supervised experience with couples, families or children 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, 4999.20, 4999.32 and 4999.33, Business and Professions Code.*

## LEP

### **§1856. EXPERIENCE REQUIREMENTS EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALLED SCHOOL PSYCHOLOGIST**

(a) Experience gained in accordance with section 4989.20(a)(5) of the Code shall comply with the following:

~~(a)~~(1) No more than one year of experience will be granted for any 12 month period.

~~(b)~~(2) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.

(3) Applicants shall submit documentation of completed experience verified by an employee of the school or school district where the experience was gained. Such documentation shall be signed by the verifying employee under penalty of perjury, and shall include the school or school district's name, telephone number and title of the verifying employee, the start and end dates of the applicant's experience, and whether the applicant's experience was gained on a full-time or part-time basis.

~~(e)~~(4) 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.

(b) Documentation of supervised experience gained in accordance with section 4989.20(a)(6) of the Code shall comply with one of the following:

(1) One year of supervised professional experience in an accredited school psychology program shall be verified by an employee of the school or school district where the experience was gained and shall be signed by the verifying employee under penalty of perjury. The verification shall include the school or school district's name, telephone number and title of the verifying employee, the dates of the applicant's experience, and

the applicant's course numbers and course titles associated with the supervised experience.

(2) One year of full-time, or the equivalent to full-time, experience as a credentialed school psychologist obtained under the direction of either a licensed educational psychologist or licensed psychologist shall be verified by the supervisor of the applicant and signed under penalty of perjury. The verification shall include the supervisor's telephone number, license type, license number, date of license issuance, and the state or jurisdiction that issued the license. The verification shall also include the name and location of the school or school district where the experience was gained, the start and end dates of the applicant's experience, and whether the experience was gained on a full-time or part-time basis.

*Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section ~~4982.20~~ 4989.20, Business and Professions Code.*





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

### **MARRIAGE AND FAMILY THERAPIST INTERN REGISTRATION**

#### **IN-STATE APPLICATION**

#### **FOR USE BY APPLICANTS WITH A CALIFORNIA DEGREE**

Dear In-State Applicant:

Thank you for your interest in becoming a Marriage and Family Therapist Intern. Included in this packet are the following forms and documents:

1. Application Instructions
2. Important Information for Applicants
3. In-State Application for Registration as a Marriage and Family Therapist Intern
4. In-State Degree Program Certification – Form A
5. In-State Degree Program Certification – Form B
6. Important Live Scan Information and Instructions
7. Request for Live Scan Service Form

*Note: Do not submit your pre-degree hours of experience with this application. You will submit your hours after ALL experience has been completed.*

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**APPLICATION INSTRUCTIONS**  
**MARRIAGE AND FAMILY THERAPIST**  
**INTERN REGISTRATION**  
**IN-STATE APPLICANTS**

Submit a completed application to: Board of Behavioral Sciences  
1625 North Market Blvd., Suite S200  
Sacramento, CA 95834

**Carefully read the following instructions to ensure an accurate and complete application package and that all required original documents are furnished to the Board. All items are mandatory unless otherwise indicated. Any omission may result in the application being deficient or delayed.**

**NOTE:** If you are applying for a subsequent (2<sup>nd</sup> or 3<sup>rd</sup>) Intern registration, use the *Subsequent MFT Intern Registration* application.



**A. APPLICATION**

- Complete all sections of the application in ink.
- The application must have your original signature.
- You must use your legal name. Your “legal name” is the name established legally by your birth certificate, marriage or domestic partnership certificate, or divorce decree (for example).
- Email Address: Though providing your email address is optional, the Board strongly recommends submission to facilitate communication.



**B. PHOTOGRAPH**

Should measure approximately 2" X 2" and be taken within 60 days of the filing of this application. The photograph must be of passport quality of your head and shoulders only. Attach the photograph to the application in the space provided.

**C. FEE**

Submit a \$75.00 check or money order made payable to the Behavioral Sciences Fund. The fee is NOT REFUNDABLE.

**D. FINGERPRINTS**

The Board requires a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal history background check on all applicants.

**If you currently reside in California:** Download the *Request for Live Scan Service Applicant Submission form* (Form BCII 8016) from our web site. The information on this form must match the information you provide on your application. The second copy of this form, with box 6 completed, must be submitted with your application.

DO NOT COMPLETE FINGERPRINTS MORE THAN 60 DAYS PRIOR TO SUBMITTING YOUR APPLICATION. Fingerprint results without an application on file will only be held for 6 months.

**If you currently reside out of state:** You must use the "hard card" fingerprint method unless you can access a California Live Scan Service operator. To request fingerprint hard cards, send an email to [BBS.Fingerprint@dca.ca.gov](mailto:BBS.Fingerprint@dca.ca.gov) with "Fingerprint Hard Cards" in the subject line and we will mail them to you.

DO NOT SUBMIT YOUR FINGERPRINTS TO THE BOARD UNTIL YOU HAVE SUBMITTED YOUR APPLICATION – we are unable to process them until your application is received. **The DOJ processing time for hard card fingerprints is a minimum of 8 to 12 weeks.** To avoid processing delays and additional costs that result from invalid fingerprint cards, the Board recommends fingerprints be taken at a law enforcement agency in the state of residence.

**E. VERIFICATION OF EDUCATION**

1) TRANSCRIPTS:

Provide official transcript(s) verifying your master's or doctoral degree with degree title and date of conferral posted. TRANSCRIPTS MUST BE IN AN ENVELOPE SEALED BY THE EDUCATIONAL INSTITUTION.

2) DEGREE PROGRAM CERTIFICATION:

Provide one of the following *Degree Program Certification* forms, completed and signed by your school's Chief Academic Officer or authorized designee IN AN ENVELOPE SEALED BY THE EDUCATIONAL INSTITUTION as described below.

- **FORM A** – Have your school complete the *In-State Degree Program Certification, Form A* if you began graduate study BEFORE August 1, 2012, AND completed that study on or before December 31, 2018 (and your degree program does not meet the new “2012” requirements stipulated in Business and Professions Code (BPC) section 4980.36).
- **FORM B** – Have your school complete the *In-State Degree Program Certification, Form B* if either of the following apply to you:
  - You began graduate study on or after August 1, 2012 OR
  - You began graduate study before August 1, 2012, AND you graduated from a degree program that meets the requirements of BPC section 4980.36

**F. BACKGROUND QUESTIONS (A - D)**

If you answered YES to application questions A, B, C or D, complete the [Background Statement](#), available on the Board's website. Please be aware that your processing time will be delayed and will also be dependent on your providing all information required by the Board.



**Board of Behavioral Sciences**  
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**MARRIAGE AND FAMILY THERAPIST**  
**IN-STATE INTERN REGISTRATION APPLICATION**

**For applicants with a California degree ONLY**

**\$75 FEE MUST ACCOMPANY THIS FORM**

Make check payable to - Behavioral Sciences Fund

For Office Use Only:

Cashiering No.

Type or print clearly in ink

1. Legal Name*      Last		First		Middle
2. If you have ever been known by another name, list the full name(s) and dates of use below (attach additional names and dates):				ATTACH A PHOTOGRAPH TAKEN WITHIN 60 DAYS OF FILING THIS APPLICATION (Head and Shoulders Only)
Full Name		Dates of Use (to/from)		
Full Name		Dates of Use (to/from)		
3. Address of Record**      Number and Street				
City	State	Zip Code		
4. Business Telephone			5. Residence Telephone	
6. E-Mail Address (OPTIONAL)			7. Birth Date: mm/dd/yyyy	
8. SSN or ITIN***	9. Qualifying Degree Title		10. Name of School	

11. Have you ever served in the United States Armed Forces or the California National Guard? (OPTIONAL)      Yes, Currently       No   
                                                                                                                                                  Yes, Previously

Applicant Name: Last	First	Middle
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12. Have you ever applied for or been issued a license, registration or certificate to practice marriage and family therapy or any other healing art in California or any other state? Yes      No

*If YES, provide the information requested below (continue on an additional sheet if needed):*

State	Type of License, Registration or Certificate	Approximate Date of Application	License, Registration or Certificate Number	Date Issued	Status

### BACKGROUND QUESTIONS

A. Have you been convicted of, pled guilty to, or pled nolo contendere to any misdemeanor or felony in the United States, its territories, or a foreign country? Convictions dismissed under sections 1203.4, 1203.4a, or 1203.41 of the Penal Code (or equivalent non-California law) must be disclosed. If you have obtained a dismissal of such a conviction, submit a certified copy of the court order.

**DO NOT INCLUDE:**

- Convictions prior to your 18<sup>th</sup> birthday, unless you were charged as an adult;
- Charges dismissed under section 1000.3 of the Penal Code;
- Convictions under sections 11357(b), (c), (d), (e) or section 11360(b) of the Health and Safety Code which are two (2) years or older;
- Traffic violations for which a fine of \$500 or less was imposed; or
- Infractions

Yes      No

*If YES, you must complete Part A of the [Background Statement](#) form, available on the Board's website.*

*You must disclose convictions even if previously reported to the Board. However, it is not necessary for you to resubmit documentation previously on file. Instead, provide a written statement indicating that you believe the information is already on file.*

Applicant Name: Last	First	Middle
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<p>B. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict?</p> <p>DO NOT INCLUDE:</p> <ul style="list-style-type: none"> <li>• Traffic violations for which a fine of \$500 or less was imposed; or</li> <li>• Infractions</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If YES, you must complete Part B of the <a href="#">Background Statement</a> form, available on the Board's website.</i></p>
<p>C. Have you ever been denied a professional license ("license" includes registrations, certificates, or other means to engage in practice) OR had a professional license privilege suspended, revoked, or otherwise disciplined, OR voluntarily surrendered any such license in California or any other state or territory of the United States, or by any other governmental agency or a foreign country?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If YES, you must complete Part C of the <a href="#">Background Statement</a> form, available on the Board's website. Disclosure is required even if previously reported to the Board. However, it is not necessary for you to resubmit documentation previously on file. Instead, provide a written statement indicating that you believe the information is already on file.</i></p>
<p>D. Does your current use of chemical substances in any way impair or limit your ability to interact safely with the public while engaging in the practice of marriage and family therapy?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p><i>If YES, you must complete Part D of the <a href="#">Background Statement</a> form, available on the Board's website.</i></p>

**NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application. The board has the right to refuse to issue any registration or license, or may suspend or revoke the license or registration of any registrant or licensee if the applicant secures the license or registration by fraud, deceit, or misrepresentation.**

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*\* You must use your legal name. Your “legal name” is the name established legally by your birth certificate, marriage or domestic partnership certificate, or divorce decree (for example).*

***\*\* The address you enter on this application is public information and will be placed on the Internet pursuant to Business and Professions Code section 27. All correspondence from the Board will be sent to this address. If you do not want your home or work address available to the public, use an alternate mailing address such as a post office box.***

***\*\*\* Disclosure of your tax identification number is mandatory. You may provide either your Social Security Number, Federal Employer Identification Number, or Individual Taxpayer Identification Number, as applicable. This number must match the number you provide on your fingerprint forms. Section 30 of the Business and Professions Code and Public Law 94-455 (42 USCA 405 (c) (2) (c)) authorizes collection of these tax identification numbers. Your tax identification number will not be deemed a public record and shall not be open to the public. Your tax identification number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your tax identification number, your application for initial or renewal license will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.***





**Board of Behavioral Sciences**  
1625 North Market Blvd., Suite S200, Sacramento, CA 95834  
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[www.bbs.ca.gov](http://www.bbs.ca.gov)



**ATTACHMENT C**  
**LICENSED PROFESSIONAL CLINICAL COUNSELOR**  
**IN-STATE APPLICATION**  
**FOR LICENSURE AND EXAMINATION**

Please note:

- This application is for individuals who need their hours of supervised experience to be evaluated in order to qualify for the National Clinical Mental Health Counselor (NCMHCE) Examination.
- Your hours of experience must be gained within the six (6) years prior to the postmark date of this application
- This application can be submitted before you pass the LPCC Law and Ethics Examination

Dear In-State Applicant:

Thank you for your interest in becoming a California Licensed Professional Clinical Counselor (LPCC). Included in this packet are the following forms and documents:

1. Application Instructions
2. Important Information for Applicants
3. In-State Application for LPCC Licensure and Examination
4. In-State Experience Verification form, Option 1\*
5. In-State Experience Verification form, Option 2\*
6. Examination Security Agreement

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\*If you have out-of-state hours, submit an [Out-of-State Experience Verification](#) form



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**APPLICATION INSTRUCTIONS**  
**LICENSED PROFESSIONAL CLINICAL COUNSELOR**  
**IN-STATE**  
**APPLICATION FOR LICENSURE AND EXAMINATION**

Submit a completed application to: Board of Behavioral Sciences  
1625 North Market Blvd., Suite S200  
Sacramento, CA 95834

**Carefully read the following instructions to ensure an accurate and complete application package and that all required original documents are furnished to the Board. All items are mandatory. Any omission may result in the application being deficient or delayed.**

- A. APPLICATION**
- Complete all sections of the application in ink.
  - The application must have your original signature.
  - You must use your legal name. Your “legal name” is the name established legally by your birth certificate, marriage or domestic partnership certificate, or divorce decree (for example).
  - Name Change: If you have registered with the Board previously and have changed your legal name without notifying the Board, submit a [Notification of Name Change](#) form with your application packet along with the required documentation.
  - Email Address: Though providing your email address is optional, the Board strongly recommends submission to facilitate communication.
- B. PHOTOGRAPH**
- Should measure approximately 2" X 2" and be taken within 60 days of the filing of this application. Photograph must be of passport quality of your head and shoulders only. Attach the photograph to the application in the space provided.
- C. FEE**
- Submit a \$180.00 check or money order made payable to the Behavioral Sciences Fund. This is an application fee for evaluating your experience and is NOT REFUNDABLE.

**D. EXAMINATION SECURITY AGREEMENT**

The *Examination Security Agreement* must be completed and signed in ink. Failure to complete this agreement will delay your eligibility to take the examination.

**E. VERIFICATION OF EXPERIENCE**

Supervised experience must total at least two (2) years (104 supervised weeks) and 3,000 hours, obtained within the six (6) years immediately preceding the date on which your *Application for Licensure and Examination* is received by the Board. You must comply with all of the following:

1. **EXPERIENCE VERIFICATION FORMS:** Each supervisor must complete an *In-State Experience Verification* form in order to verify your hours of experience. Applicants must fully qualify under Option 1 OR Option 2. There is no “mixing and matching” between the two options when calculating hours.

Older form versions that have already been signed will continue to be accepted for either option. Use separate forms for each supervisor and each employer, as follows:

- Use the “OPTION 1” form if you wish to submit hours under the new streamlined method/categories. The Board will accept all versions of the *Experience Verification* forms under this method.
- Use the “OPTION 2” form if you wish to submit hours under the pre-existing method (multiple categories). All hours must be recorded on any version of the *Experience Verification* form that contains multiple categories.

“Weekly Summary” forms CANNOT be accepted in place of the *Experience Verification* form. Do not submit unless specifically requested by the Board.

2. **WORKSHOPS, SEMINARS, TRAINING AND CONFERENCES:** If you completed any of these activities as part of your supervised experience, the hours must be included on the *Experience Verification* form. Do not submit proof of completion.
3. **W-2 FORMS:** If you were employed, you must submit copies of your W-2s for each year you are claiming and for each employer. If W-2s are not available for the current year, attach a copy of a current pay stub. If your W-2 does not match the name of your employer listed on the *Experience Verification* form, an explanation is required.
4. **VOLUNTEER LETTER:** If you volunteered, a letter from the employer is required indicating your voluntary status during the dates reported on your *Experience Verification* form. A sample letter is available on the Board’s [website](#).

5. SUPERVISOR RESPONSIBILITY STATEMENT: Submit the original *Supervisor Responsibility Statement* signed by each of your supervisors.
6. SUPERVISORY PLAN: Submit the original *Supervisory Plan* signed by each of your supervisors.

**F. BACKGROUND QUESTIONS (A - D)**

If you answered YES to application questions A, B, C or D, complete the *Background Statement*, available on the Board's website. Please be aware that your processing time will be delayed and will also be dependent on your providing all information required by the Board.



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**LICENSED PROFESSIONAL CLINICAL COUNSELOR  
 IN-STATE APPLICATION  
 FOR LICENSURE AND EXAMINATION**

**For applicants with a California degree  
 and who hold a PCI registration**

**\$180 FEE MUST ACCOMPANY THIS FORM**

Make check payable to - Behavioral Sciences Fund

For Office Use Only: **P1, PA**

Cashiering No:  
 QM: **1-S**

Type or print clearly in ink

1. Legal Name* Last		First	Middle
2. If you have ever been known by another name, list the full name(s) and dates of use below (attach additional names and dates):			ATTACH A PHOTOGRAPH TAKEN WITHIN 60 DAYS OF FILING THIS APPLICATION (Head and Shoulders Only)
Full Name		Dates of Use (to/from)	
Full Name		Dates of Use (to/from)	
3. Address of Public Record** Number and Street			
City	State	Zip Code	
4. Business Telephone		5. Residence Telephone	
6. E-Mail Address (OPTIONAL)		7. Birth Date: mm/dd/yyyy	
8. SSN or ITIN***	9. Qualifying Degree Title	10. Name of School	
11. Enter your Professional Clinical Counselor Intern registration number: <u>PCI</u> _____			

Applicant Name: Last	First	Middle
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12. Have you ever served in the United States Armed Forces or the California National Guard? **(OPTIONAL)** Yes, Currently  No   
Yes, Previously

13. Have you ever applied for or been issued a license, registration or certificate to practice professional clinical counseling or any other healing art in California or any other state? Yes  No

*If YES, provide the information requested below (continue on an additional sheet if needed):*

State	Type of License, Registration or Certificate	Approximate Application Date	License, Registration or Certificate Number	Date Issued	Status

14. Under which method are you requesting your supervised experience hours be evaluated?  Option 1 (New Method)  
 Option 2 (Pre-existing Method)

Note: You must fully qualify under either Option 1 or Option 2. There is no "mixing and matching between the two options. See application instructions for more information.

Applicant Name: Last	First	Middle
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**BACKGROUND QUESTIONS**

A. Have you been convicted of, pled guilty to, or pled nolo contendere to any misdemeanor or felony in the United States, its territories, or a foreign country? Convictions dismissed under sections 1203.4, 1203.4a, or 1203.41 of the Penal Code (or equivalent non-California law) must be disclosed. If you have obtained a dismissal of such a conviction, submit a certified copy of the court order.

Yes  No

*If YES, you must complete Part A of the [Background Statement](#) form, available on the Board's website.*

*You must disclose convictions even if previously reported to the Board. However, it is not necessary for you to resubmit documentation previously on file. Instead, provide a written statement indicating that you believe the information is already on file.*

DO NOT INCLUDE:

- Convictions prior to your 18<sup>th</sup> birthday, unless you were charged as an adult;
- Charges dismissed under section 1000.3 of the Penal Code;
- Convictions under sections 11357(b), (c), (d), (e) or section 11360(b) of the Health and Safety Code which are two (2) years or older;
- Traffic violations for which a fine of \$500 or less was imposed; or
- Infractions

B. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict?

Yes  No

*If YES, you must complete Part B of the [Background Statement](#) form, available on the Board's website.*

DO NOT INCLUDE:

- Traffic violations for which a fine of \$500 or less was imposed; or
- Infractions

Applicant Name: Last	First	Middle
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C. Have you ever been denied a professional license (“license” includes registrations, certificates, or other means to engage in practice) OR had a professional license privilege suspended, revoked, or otherwise disciplined, OR voluntarily surrendered any such license in California or any other state or territory of the United States, or by any other governmental agency or a foreign country?

Yes  No

*If YES, you must complete Part C of the [Background Statement](#) form, available on the Board’s website. Disclosure is required even if previously reported to the Board. However, it is not necessary for you to resubmit documentation previously on file. Instead, provide a written statement indicating that you believe the information is already on file.*

D. Does your current use of chemical substances in any way impair or limit your ability to interact safely with the public while engaging in the practice of professional clinical counseling?

Yes  No  N/A

*If YES, you must complete Part D of the [Background Statement](#) form, available on the Board’s website.*

**NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application. The board has the right to refuse to issue any registration or license, or may suspend or revoke the license or registration of any registrant or licensee if the applicant secures the license or registration by fraud, deceit, or misrepresentation.**

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*\* You must use your legal name. Your “legal name” is the name established legally by your birth certificate, marriage or domestic partnership certificate, or divorce decree (for example).*



**\*\* The address you enter on this application is public information and will be placed on the Internet pursuant to Business and Professions Code section 27. All correspondence from the Board will be mailed to this address. If you do not want your home or work address available to the public, use an alternate mailing address such as a post office box.**

**\*\*\* Disclosure of your tax identification number is mandatory. You may provide either your Social Security Number, Federal Employer Identification Number, or Individual Taxpayer Identification Number, as applicable. This number must match the number you provide on your fingerprint forms. Section 30 of the Business and Professions Code and Public Law 94-455 (42 USCA 405 (c) (2) (c)) authorizes collection of these tax identification numbers. Your tax identification number will not be deemed a public record and shall not be open to the public. Your tax identification number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your tax identification number, your application for initial or renewal license will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.**

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**LICENSED PROFESSIONAL CLINICAL COUNSELOR**  
**IN-STATE EXPERIENCE VERIFICATION**  
**OPTION 1 – NEW STREAMLINED METHOD**

This form is to be completed by the applicant's California supervisor and submitted by the applicant with his or her *Application for Licensure and Examination*. All information on this form is subject to verification.

- Use this "Option 1" form to report hours under the NEW streamlined method
- Use separate forms for each supervisor and each employment setting
- Ensure that the form is complete and correct prior to signing. Have the supervisor initial any changes.
- Do not submit your *Weekly Summary* forms unless specifically requested by the Board

**APPLICANT NAME:**

Last	First	Middle	Intern Number PCI
------	-------	--------	----------------------

Dates of experience being claimed:	From: _____ mm/dd/yyyy	To: _____ mm/dd/yyyy
------------------------------------	---------------------------	-------------------------

**SUPERVISOR INFORMATION:**

Supervisor's Name		Telephone	
License Type	License Number	State	Date First Licensed

- Physicians: Were you certified in Psychiatry by the American Board of Psychiatry and Neurology during the entire period of supervision?

No  Yes: Date Board Certified: \_\_\_\_\_ Certification Number: \_\_\_\_\_

- LPCCs: If the applicant is reporting experience with couples or families, did you meet the qualifications to treat couples and families, as specified in California law?

N/A  No  Yes: Date you met the qualifications: \_\_\_\_\_

**APPLICANT'S EMPLOYER INFORMATION:**

Name of Applicant's Employer			Business Phone*	
Address:	Number and Street	City	State	Zip Code

Applicant:	Last	First	Middle
------------	------	-------	--------

**APPLICANT'S EMPLOYER INFORMATION (continued):**

1. Was this experience gained in a setting that lawfully and regularly provides mental health counseling or psychotherapy?  Yes  No
2. Was this experience gained in a private practice setting?  Yes  No
3. Was this experience gained in a hospital or community mental health setting?  Yes  No  
(Minimum 150 hours required overall)
4. Was this experience gained in a setting that provided oversight to ensure that the applicant's work meets the experience and supervision requirements and is within the scope of practice?  Yes  No
5. Was the applicant receiving pay? *If YES, attach a copy of the applicant's W-2 statement for each year experience is claimed. If a W-2 has not yet issued for this year, attach a copy of the current paystub. If applicant volunteered, submit a letter from the employer verifying volunteer status for these dates.*  Yes  No

**EXPERIENCE INFORMATION:**

1. How many weeks of supervised experience are being claimed? _____ weeks		
2. Hours of Experience:		<b>Logged Hours</b>
a. Total Direct Counseling Experience (Minimum 1,750 hours overall)		
<ul style="list-style-type: none"> <li>• Of the above hours, how many were gained while working with Couples, Families or Children?</li> </ul>		
b. Total Non-Clinical Experience (Maximum 1,250 hours overall)		
<ul style="list-style-type: none"> <li>• Of the above hours, how many were Face-to-Face Supervision?</li> </ul>		<b>Hours Per Week</b>
o Individual		<b>Logged Hours</b>
o Group (group contained no more than 8 persons)		
<p><b>NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of the application. The Board may take disciplinary action on a licensee who helps an applicant obtain a license by fraud, deceit or misrepresentation. All information on this form is subject to verification.</b></p> <p>Signature of Supervisor: _____ Date: _____</p> <p style="text-align: center;">ORIGINAL SIGNATURE REQUIRED</p>		



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## EXAMINATION SECURITY AGREEMENT

California statutes authorize state agencies to maintain the security of their licensing examinations. Section 123 of the Business and Professions Code states:

***“It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination...”***

Conduct that subverts or attempts to subvert a licensing examination includes:

- Removal of examination materials from the examination room;
- Unauthorized reproduction of any and all portions of a licensing examination;
- Acquisition of examination materials before, during, or after the examination;
- Preparation or instruction of applicants for the examination with the aid of examination material;
- Paying or using professional examination takers to reconstruct any portions of a licensing examination;
- Buying, selling, or receiving future, current, or previously administered examination materials;
- Communicating with other candidates during the examination or permitting one’s answers to be copied by another candidate;
- Impersonating another candidate or having another person take the examination on one’s behalf.

**A person found guilty of any of these acts is liable for damages sustained by the agency administering the examination in an amount not to exceed \$10,000, plus the costs of litigation. In addition, a board may deny, suspend, revoke, or otherwise restrict the license of an applicant or a licensee who has violated the above.**

### COMPLETE THIS SECTION

*I have read and fully understand the above requirements and hereby certify that I am the person named below who applied for licensure with the Board of Behavioral Sciences.*

License Application Type: LCSW  MFT  LEP  LPCC

Candidate’s Name: \_\_\_\_\_  
 (print) Last First Middle

Date of Birth: \_\_\_\_\_

Candidate’s  
 Signature: \_\_\_\_\_ Date \_\_\_\_\_

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## ATTACHMENT F

# MILITARY VETERAN EXPEDITE REQUEST

*(attach to TOP of application with required documentation)*

Applicant Name: \_\_\_\_\_ BBS ID# (if known): \_\_\_\_\_

**Licensing Program Type:    LCSW       LEP       LMFT       LPCC**

Application Type:

Examination Eligibility       Registration

Re-Examination                Testing Accommodations                Initial Licensure

The Board of Behavioral Sciences is required to expedite processing of the application types listed above for applicants who have served as an active duty member of the Armed Forces of the United States AND were honorably discharged.

**To be considered for expedited processing, complete this form (print on colored paper if possible) and attach it to the TOP of your application along with a copy of your DD214.**

Your application will receive expedited processing if all requirements listed above are met. Applications received without this request form, and/or without a copy of your DD214 that indicates you were honorably discharged, will NOT receive expedited processing.

Please be aware that the greatest obstacle to an efficient licensing process is submission of an incomplete application.

***NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application.***

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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## ATTACHMENT G MILITARY SPOUSE/DOMESTIC PARTNER EXPEDITE REQUEST

*(attach to top of application with required documentation)*

Applicant Name: \_\_\_\_\_ BBS ID# (if known): \_\_\_\_\_

Licensing Program Type:     LCSW     LEP     LMFT     LPCC

Application Type:     Registration     Re-Examination  
                                   Examination Eligibility     Testing Accommodations  
                                                                                   Initial Licensure

The Board of Behavioral Sciences is required to expedite processing of the application types listed above for applicants who meet all of the following requirements (Business and Professions Code section 115.5):

- Applicant holds a current license in another state, district, or territory of the U.S. in the profession for which he or she seeks a license from the Board of Behavioral Sciences **AND**
- Applicant's spouse or domestic partner is an active duty member of the Armed Forces of the U.S. who is officially assigned to a duty station in California

**To be considered for expedited processing, complete this form (print on colored paper if possible) and attach it to the top of your application along with all of the documentation listed below.**

1. Evidence that you are married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the U.S. who is officially assigned to a duty station in California. *Attach a copy of your marriage certificate or certified declaration/registration of domestic partnership filed with the Secretary of State. For other forms of legal union not recognized by California, you may submit other documentation issued by the State that recognizes your legal union for consideration.*
2. Evidence that your spouse or partner has been assigned to a duty station in California under official active duty military orders. *For example, attach a copy of your spouse's or partner's military orders.*
3. Evidence that you hold a current license or registration in another state, district, or territory of the United States in the profession for which you seek licensure or registration from the board. *For example, attach a copy of your current license or registration, or attach a completed "Verification of Licensure" form, available on the Board's website.*

Your application will receive expedited processing if all requirements listed above are met. Applications received without this request form and/or without all acceptable documentation will NOT receive expedited processing. Please be aware that the greatest obstacle to an efficient licensing process is submission of an incomplete application.

**NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application.**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

State Where Licensed or Registered: \_\_\_\_\_ License/Registration Type & Number: \_\_\_\_\_

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**ATTACHMENT H**  
**LICENSED PROFESSIONAL CLINICAL COUNSELOR**  
**REQUEST FOR CONFIRMATION OF QUALIFICATIONS**  
**TO ASSESS AND TREAT COUPLES AND FAMILIES**

**INSTRUCTIONS**

- Type or print clearly in ink.
- Please do not contact the Board to check the status of your request. If you would like to know whether the Board has received your forms, mail them in a manner that includes tracking.
- Processing time will vary depending on the volume of applications received.
- **This form will not be accepted unless you currently hold an LPCC license in California.**

ENCLOSE ALL OF THE FOLLOWING IN ADDITION TO THE COMPLETED FORMS  
*(unless otherwise specified on the request form):*

- Official transcripts verifying that you have met the educational qualifications, in an envelope sealed by the educational institution
- A course description or course syllabus if the course title does not clearly indicate the content
- Documentation of your supervised experience working with couples, families and/or children

**NOTE: New Requirement Effective January 1, 2017:**

Effective January 1, 2017, an LPCC who wishes to treat couples or families **must** obtain written confirmation from the Board that he or she meets the requirements to treat couples and families, and must provide a copy of this written confirmation to:

- Couple or family clients prior to commencement of treatment

AND

- The types of supervisees listed below, prior to commencement of supervision:
  - A marriage and family therapist trainee or intern
  - An LPCC or PCC Intern who is gaining the supervised experience necessary to treat couples or families

For more information on “couples and families” requirements, including FAQs, see the Board’s website.



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**LICENSED PROFESSIONAL CLINICAL COUNSELOR**  
**REQUEST FOR CONFIRMATION OF QUALIFICATIONS**  
**TO ASSESS AND TREAT COUPLES AND FAMILIES**

*Type or print clearly in ink*

**A. APPLICANT INFORMATION**

LPCC License Number:		BBS File Number (if known):	
Legal name*:	Last	First	Middle
Maiden name and any other AKA			
Address of Record**:		Number and Street	
City		State	Zip Code
Is this a new address? <input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>YES</b> , we will update our records accordingly	
Business Telephone:	Residence Telephone:	E-Mail Address (OPTIONAL):	

\* You must use your legal name. Your “legal name” is the name established legally by your birth certificate, marriage or domestic partnership certificate, or divorce decree (for example). If you have changed your legal name without notifying the Board, submit a Notification of Name Change form with your request along with the required documentation.

\*\* The address you provide is public information and will be placed on the Internet pursuant to BPC section 27. All correspondence from the Board will be sent to this address. If you don’t want your home or work address to be public, use an alternate mailing address such as a post office box.

Applicant Name: Last		
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Do you currently hold a license as a Licensed Marriage and Family Therapist (LMFT)?  
 Yes    No  
**If YES:** → Enter your LMFT license number: \_\_\_\_\_ State: \_\_\_\_\_ AND  
→ SKIP TO SECTION D

---

Do you hold a LPCC license in another jurisdiction?    Yes    No  
**If YES:** → Enter your LPCC license number: \_\_\_\_\_ State: \_\_\_\_\_ AND  
→ Does the scope of practice in that jurisdiction clearly state that LPCCs are permitted to assess and treat couples, families or children?    Yes    No  
**If YES:** ○ SKIP TO SECTION C  
**If NO:** ○ Submit documentation of experience as described in Section B and complete Sections C and D.

### **B. EXPERIENCE REQUIREMENT**

To qualify, you must have a minimum of 500 hours of documented supervised experience working directly with couples, families and/or children under the supervision of one of the following, who has been licensed for at least two (2) years:

- A Licensed Professional Clinical Counselor who, at the time of supervision, had met the education and experience requirements to treat couples and families;
- A Licensed Marriage and Family Therapist; **or**
- Any of the following licensed persons who have sufficient education and experience to competently practice couples and family therapy:
  - Licensed Clinical Social Worker
  - Licensed Clinical Psychologist
  - Licensed Physician Board-Certified in Psychiatry by the American Board of Psychiatry and Neurology

#### ***TO VERIFY SUPERVISED EXPERIENCE:***

Attach a completed *Supervised Experience with Couples, Families or Children* form signed by your supervisor. If your supervisor is not available, your employer at the time you gained your experience may complete the form.

Applicant Name: Last	First	Middle
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**C. EDUCATION REQUIREMENT**

I. A minimum of six (6) semester units or nine (9) quarter units of graduate coursework specifically focused on the theory and application of marriage and family therapy

**OR**

II. A named specialization or emphasis area on the qualifying degree in one of the following:

- o Marriage and family therapy
- o Marriage, family and child counseling
- o Marital and family therapy
- o Couple and family therapy

**TO VERIFY, COMPLETE ONE OF THE FOLLOWING SECTIONS (I or II)  
AND ATTACH OFFICIAL, SEALED TRANSCRIPTS**

I.  Coursework focused on the theory and application of marriage and family therapy:

School	Course Number	Course Title	Units

**OR**

II.  Degree Title/Specialization:

Degree Title:  Name of School, College or University:	Named Specialization or Emphasis: <input type="checkbox"/> Marriage and family therapy <input type="checkbox"/> Marital and family therapy <input type="checkbox"/> Marriage, family and child counseling <input type="checkbox"/> Couple and family therapy
-------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**D. APPLICANT SIGNATURE**

***NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application. The Board may take disciplinary action on a licensee or registrant who misrepresents his or her education or professional qualifications.***

\_\_\_\_\_

**Applicant Signature** **Date**



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## LICENSED PROFESSIONAL CLINICAL COUNSELOR SUPERVISED EXPERIENCE WITH COUPLES, FAMILIES OR CHILDREN

*NOTE: This form will NOT be accepted as verification for purposes of a LPCC licensing application.*

The supervisor\* of your experience working directly with couples, families and/or children must complete this form as follows:

- Use a separate form for each supervisor and employer.
- An original signature in ink is required. Have the signer initial any changes.
- Submit with your *Request for Confirmation of Qualifications to Assess and Treat Couples and Families* form.

### APPLICANT INFORMATION

LPCC License Number:		BBS File Number (if known):	
Legal name: Last	First	Middle	

### EMPLOYER INFORMATION

Applicant's Employer's Name	Employer Telephone
-----------------------------	--------------------

### SUPERVISOR INFORMATION

Supervisor's Name			Supervisor's Telephone
Supervisor's License Type	License Number	Issue Date	State
Do you have sufficient education and experience to competently practice couples and family therapy?			<input type="checkbox"/> No <input type="checkbox"/> Yes
Have you received professional training in supervision?			<input type="checkbox"/> No <input type="checkbox"/> Yes

*\* If your supervisor is not available, your employer may sign*

Applicant Name: Last	First	Middle
----------------------	-------	--------

**SUPERVISOR INFORMATION (Continued)**

<p><b>Physicians:</b> Were you certified in Psychiatry by the American Board of Psychiatry and Neurology during this supervision?</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes: Certificate number:  _____</p>
<p><b>California-licensed LPCCs:</b> Did you meet California's qualifications to treat couples and families during this supervision?</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes: Date you met the qualifications:  _____</p>

**APPLICANT'S SUPERVISED EXPERIENCE**

<p>Dates (mm/dd/yyyy): From _____ to _____  Total supervised hours working directly with couples, families and/or children: _____ hours</p>
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**NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of the application. The Board may take disciplinary action on a licensee who helps an applicant obtain a license by fraud, deceit or misrepresentation. All information on this form is subject to verification.**

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_





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## ATTACHMENT I

### LICENSED EDUCATIONAL PSYCHOLOGIST

### VERIFICATION OF EXPERIENCE

### AS A CREDENTIALLED SCHOOL PSYCHOLOGIST

This form must be completed by an authorized school district employee with professional knowledge of the applicant's experience as a Credentialed School Psychologist. All information on this form is subject to verification. Two (2) years of full-time experience or the equivalent is required. Be sure to:

- Use a separate form for each employment setting
- Make certain that the form is complete and correct prior to signing
- Provide an original signature in ink and have the signer initial any changes

**NOTE:** An applicant cannot be credited with experience as a credentialed school psychologist if it was obtained more than six (6) years prior to filing the LEP Application Packet with the Board.

**APPLICANT:** (Please type or print clearly in ink)

Name:	Last	First	Middle
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**EMPLOYER / SCHOOL DISTRICT:** (Please type or print clearly in ink)

1. Employer/School District Name:		2. Telephone Number:	
3. Address: Number and Street		City	
State	Zip Code	4. Position Occupied by Applicant:	
5. Dates of Applicant's Employment: From: _____ To: _____ mm/dd/yyyy mm/dd/yyyy		6. Number of Hours Worked per Week: _____ (32 or more hours is full time)	

**I have professional knowledge that the above applicant was employed as a Credentialed School Psychologist as indicated above. NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application.**

\_\_\_\_\_  
Signature of Employer/School District's Authorized Designee

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

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## ATTACHMENT J

### LICENSED EDUCATIONAL PSYCHOLOGIST

### VERIFICATION OF SUPERVISED EXPERIENCE

**Complete either Section I OR Section II** of this form. All information on this form is subject to verification  
 Be sure to:

- Use a separate form for each employment setting
- Make certain that the form is complete and correct prior to signing
- Provide an original signature in ink and have the signer initial any changes

### SECTION I INTERNSHIP

An individual with professional knowledge of your internship must complete this section in order to verify completion of one (1) year of supervised professional experience in an accredited school psychology program.

NOTE: If you do not have this type of experience, complete Section II only.

**APPLICANT:** *(Please type or print clearly in ink)*

Applicant Name:	Last	First	Middle
-----------------	------	-------	--------

**SCHOOL / SCHOOL DISTRICT:** *(Please type or print clearly in ink)*

1. Name of School or School District where internship was completed:		
2. Business Phone:		
3. Dates of Applicant's Internship:	From: _____ mm/dd/yyyy	To: _____ mm/dd/yyyy
4. Internship Course Numbers and Titles:		

***I have professional knowledge that the above applicant completed one year of supervised professional experience as indicated above. NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application.***

\_\_\_\_\_  
Signature of Employer/School District's Authorized Designee

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**OR**

**SECTION II - SUPERVISED EXPERIENCE** (next page)

## SECTION II

### SUPERVISED EXPERIENCE

Your supervisor must complete this section in order to verify completion of one (1) year of full-time (or the equivalent) experience as a Credentialed School Psychologist, obtained under the direction of either a Licensed Educational Psychologist or a Licensed Psychologist is required.

NOTE: If you do not have this type of experience, complete Section I only.

**APPLICANT:** *(Please type or print clearly in ink)*

Applicant Name:	Last	First	Middle
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**SUPERVISOR:** *(Please type or print clearly in ink)*

1. Supervisor's Name:		Last	First	Middle
2. Supervisor License Information (LEP or Licensed Psychologist):				
<i>NOTE: If you are licensed out-of-state, please provide a copy of your license.</i>				
Type of License	License Number	State of Licensure	Date Originally Licensed	
3. Supervisor Phone Number:		4. Name of School/School District:		
5. Dates of Experience:		From: _____	To: _____	
		mm/dd/yyyy	mm/dd/yyyy	
6. Number of hours worked per week:		_____ <i>(32 or more hours is full time)</i>		

***The above applicant completed the above supervised experience under my direction.***

***NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application. The Board may take disciplinary action on a licensee who helps an applicant obtain a license by fraud, deceit or misrepresentation.***

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date Signed



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## LICENSEE MANUAL RENEWAL APPLICATION

- Renew [online](#) for faster processing.
- Do not send this application more than 90 days prior to your expiration date.
- Failure to complete any portion of this renewal application will result in a delay.

MARK ONE:  LCSW    LEP    LMFT    LPCC

License Number:		Expiration Date:		Amount Enclosed <sup>→A</sup> :	
Legal Name <sup>→B</sup> :		Last		First	
Address of Record <sup>→C</sup> :		Number and Street			
City		State		Zip Code	
Is this a new address? <input type="checkbox"/> Yes <input type="checkbox"/> No		Email Address (optional):		Telephone Number:	
<b>Convictions or Discipline <sup>→D</sup> - MARK ONE:</b>					
Subsequent to your last renewal, have you been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or felony, or have you had any disciplinary action taken by any regulatory or licensing board in this or any other state? <input type="checkbox"/> Yes <input type="checkbox"/> No					
<b>License Status and Continuing Education <sup>→E</sup> - MARK ONE:</b>					
<input type="checkbox"/> <b>Active Renewal:</b> I have completed the required hours of CE within the last two years or have been granted an exception by the board. Renew my license with an “active” status.					
<input type="checkbox"/> <b>Inactive Renewal:</b> Renew my license with an “inactive” status.					

**Knowingly providing false information or omitting pertinent information may be grounds for denial of this application.**

\_\_\_\_\_  
 Signature \_\_\_\_\_ Date

<sup>→A</sup> RENEWAL FEES		Make check payable to: Board of Behavioral Sciences			
License Type	Active Renewal		Inactive Renewal		
	Timely	Delinquent	Timely	Delinquent	
MFT	\$140.00	\$205.00	\$75.00	\$140.00	
LCSW	\$110.00	\$160.00	\$60.00	\$110.00	
LEP	\$80.00	\$120.00	\$40.00	\$80.00	
LPCC	\$175.00	\$262.50	\$87.50	\$175.00	

## **INFORMATION FOR SECTIONS B, C, D & E**

### **→B Name Change**

If you have a name change that you would like processed with your renewal application, you must submit the *Notification of Name Change* form and all required documentation. Your renewal will not be processed until your name change has been processed. Do not send original documents unless specifically requested to do so.

### **→C Address**

Your renewal certificate will be mailed to the address written on your renewal form. This address is public information, and will be placed on the Internet pursuant to Business and Professions Code Section 27. If you do not want your home or work address available to the public, provide an alternate mailing address.

### **→D Conviction/Discipline**

Check the box next to "YES" if, since your last renewal, you have had any license ("license" includes registrations, certificates, or other means to engage in practice) disciplined by a government agency, or you have been convicted of, plead guilty to, or pled nolo contendere to any misdemeanor or felony in the United States, its territories, or a foreign country.

Convictions dismissed under sections 1203.4, 1203.4a, or 1203.41 of the Penal Code (or equivalent non-California law) must be disclosed. If you have obtained a dismissal of such a conviction, submit a certified copy of the court order.

Do not include:

- Offenses prior to your 18<sup>th</sup> birthday
- Charges dismissed under section 1000.3 of the Penal Code
- Convictions under sections 11357(b), (c), (d), (e) or section 11360(b) of the Health and Safety Code which are two (2) years or older
- Traffic violations for which a fine of \$500 or less was imposed
- Infractions

"Discipline" includes, but is not limited to, suspension, revocation, voluntary surrender, probation or any other restriction. "License" includes professional registrations, certificates, or other means to engage in practice. It is not necessary to report disciplinary action taken by the California Board of Behavioral Sciences.

### **→E Continuing Education (CE)**

- **DO NOT SUBMIT CE CERTIFICATES WITH RENEWAL**
- 18 hours are required to renew an initial license with an "active" status.
- 36 hours are required to renew a license for each two-year renewal period.

## **IMPORTANT INFORMATION**

### **RECEIPT OF RENEWAL**

Please do not contact the Board to check the status of your renewal. You may either contact your bank to see if your check has been cashed, or include a self-addressed stamped postcard or envelope with your application, which will be mailed back to you upon receipt. Once your renewal has been processed, your new expiration date will appear in the [BreEZe online system](#).

### **RENEWAL POSTMARKED AFTER EXPIRATION DATE**

If your renewal form / fee are postmarked after your license's expiration date, a delinquency fee is required. There is no grace period.

### **INACTIVE STATUS**

An inactive license must be renewed every two years. CE is not required to renew an inactive license, or to change a license status to inactive. There is no penalty for having an inactive status, and you can renew with an inactive status indefinitely. An inactive license can be reactivated at any time by completing the CE required at the time of reactivation and paying the remainder of the renewal fee.

### **RETIRED STATUS**

If you are retired, you have the option to place your license on "retired" status. A holder of a retired license may not engage in any activity for which an active license is required. If your license is delinquent, all outstanding requirements for renewal must be met before a [Retired License Application](#) can be processed.

### **CE AUDITS**

You must retain your CE certificates for at least two years from the date of the license renewal for which the courses were completed. The board performs random audits. If you are audited, you must provide copies of your CE certificates at that time as proof of completion.

### **DISPLAY OF LICENSE**

A licensee is required to display their license in a conspicuous place in their primary place of business.

### **EXPIRED LICENSES**

- A license that is not renewed by the expiration date is deemed expired. **It is illegal to practice on an expired license.**
- A licensee may not supervise or sign off hours for marriage and family therapist interns, associate clinical social workers, or professional clinical counselor interns while the license is expired or inactive.
- A licensee is not entitled to payment by a client or an insurer for services performed while a license is expired or inactive.

### **LICENSE CANCELLATION AFTER 3 YEARS**

A license that is not renewed within 3 years after its expiration date will be cancelled. To be licensed again, you will be required to reapply for a new license, meet all current requirements, and pass the licensing examinations.

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**Board of Behavioral Sciences**  
 1625 North Market Blvd., Suite S200, Sacramento, CA 95834  
 Telephone: (916) 574-7830 TTY: (800) 326-2297  
[www.bbs.ca.gov](http://www.bbs.ca.gov)



## INACTIVE TO ACTIVE LICENSE STATUS CHANGE

ALLOW 30 DAYS FOR YOUR LICENSE REQUEST TO BE PROCESSED

Type or print clearly in ink and enclose the correct fee to avoid delays in processing.

Legal name*:	Last	First	Middle
License Type and Number:	Expiration Date:		
Address of Record (Number and Street)*:			
City:	State:	Zip Code:	
Is this a new address? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, we will update our records accordingly			
Business Phone:	Residence Phone:	Email Address (OPTIONAL):	

\*As it appears on your license. See reverse for information on name changes.

\*\*See reverse for information on the public listing of your address.

### FEE

The fee for changing your license status from inactive to active is half of the active biennial renewal fee.

License Type	Fee
LMFT	\$65
LCSW	\$50
LPCC	\$87.50
LEP	\$40

### FOR OFFICE USE ONLY

Cashiering No.: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_  
 Date Ordered: \_\_\_\_\_  
 By: \_\_\_\_\_

### REQUEST

Request is hereby made for my license to be changed from an inactive status to an active status. I have completed the continuing education required to activate an inactive license. During the time I had an inactive license, I did not engage in any activity for which an active license is required.

**NOTE: The Board may refuse to issue a registration or license, or may suspend or revoke the license or registration if the applicant secures the license or registration by fraud, deceit, or misrepresentation.**

\_\_\_\_\_  
 Signature of Licensee

\_\_\_\_\_  
 Date

*\* If you have a name change that you would like processed with your application, you must submit the [Notification of Name Change](#) form and all required documentation. Your application will not be processed until your name change has been processed. Do not send original documents unless specifically requested to do so.*

*\*\* The address you enter on this application is public information and will be placed on the Internet pursuant to Business and Professions Code Section 27. If you do not want your home or work address available to the public, use an alternate mailing address. All correspondence from the Board will be mailed to this address.*

## **IMPORTANT INFORMATION**

### **RECEIPT OF REQUEST**

Please do not contact the Board to check the status of your request for active status. Contact your bank to see if your check has been cashed, or include a self-addressed stamped postcard or envelope with your application, which will be mailed back to you upon receipt. Once your request has been approved, your active status will appear in the [BreEZe online system](#) and you will receive confirmation in the mail.

### **REQUIRED CONTINUING EDUCATION**

#### **License Activation**

To activate your license, you must complete 36 hours of Continuing Education (CE) within two years prior to the postmark date of this request form.

#### **License Renewal After Activation**

After your license has been activated, you will be required to renew your license prior to its usual expiration date. To renew, you must complete additional CE. The number of CE hours required to *renew* depends on the postmark date of your request for active status, as follows:

- 18 hours of CE are required if your license will expire **less than one year** from the date of your request for active status. All 18 hours must be taken within your current renewal period\*\*\* and before your license expiration date.
- 36 hours of CE are required if your license will expire **more than one year** from the date of your request for active status. All 36 hours must be taken within your current renewal period\*\*\* and before your license expiration date.

Any CE hours completed in the prior renewal period **CANNOT** be used toward the upcoming renewal. CE must be taken from a BBS-accepted provider or accredited school.

**DO NOT SUBMIT PROOF OF CE WITH THIS REQUEST.** You must retain your CE certificates for at least two years from the date of your request for active status. The board performs random CE audits. If you are audited, you must provide copies of your CE certificates at that time as proof of completion.

For clarification, contact [BBS.Renewal@dca.ca.gov](mailto:BBS.Renewal@dca.ca.gov) or call (916) 574-7830.

*\*\*\*A renewal period is defined in Title 16, California Code of Regulations section 1887, as the two-year period which spans from a license's expiration date to the license's next expiration date.*



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## ATTACHMENT M

### RETIRED TO ACTIVE LICENSE STATUS CHANGE

**SEE NEXT PAGE\* TO DETERMINE IF YOU ARE ELIGIBLE TO RESTORE YOUR LICENSE**

**CORRECT FEE MUST ACCOMPANY THIS FORM**

*Make check payable to - Behavioral Sciences Fund*  
 Licensed Marriage and Family Therapist - \$140  
 Licensed Educational Psychologist - \$80  
 Licensed Clinical Social Worker - \$110  
 Licensed Professional Clinical Counselor - \$175

*For Office Use Only:*

Cashiering No.

(Please type or print clearly in ink)

1. Legal Name (as it appears on your license)**			Last	First	Middle
2. Address of Record***					
Number and Street					
City		State		Zip Code	
Is this a new address? Yes <input type="checkbox"/> No <input type="checkbox"/>					
3. Business Telephone		4. Residence Telephone		5. E-Mail Address (OPTIONAL)	
6. Birth Date: mm/dd/yyyy		7. Social Security Number****		8. License Type	9. License Number
10. Retired License Issue Date*					

11. Have you ever been denied a professional license, had a professional license privilege suspended, revoked, or otherwise disciplined, or have you ever voluntarily surrendered any such license in California or any other state or territory of the United States, or by any other governmental agency? Yes  No

If YES, attach your explanation and related documents as described in the REPORTING DISCIPLINE AGAINST LICENSE(S) section of the instructions.

12. Have you been convicted of, pled guilty to, or pled nolo contendere to any misdemeanor or felony? (Convictions dismissed under Section 1203.4 of the Penal Code must be disclosed. DO NOT include offenses prior to your 18th birthday; charges dismissed under section 1000.3 of the Penal Code; convictions which are two years or older under sections 11357(b), (c), (d), (e) or section 11360(b) of the Health and Safety Code; or any traffic violations for which a fine of \$500 or less was imposed.) Yes  No

If YES, attach your explanation and related documents as described in the REPORTING PRIOR CONVICTION(S) section of the instructions. You must mark YES even if previously reported to the Board. However, it is not necessary for you to re-submit documentation previously on file, you may simply provide a written statement indicating that you believe the information is already on file.

13. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict? Yes  No

14. Have you complied with the continuing education (CE) requirements as specified in the Business and Professions Code sections 4980.54 & 4984.41 (LMFT); 4989.34 & 4989.45 (LEP); 4996.22 & 4997.1 (LCSW); 4999.76; or 4999.113 (LPCC)? Yes  No

15. Have you submitted fingerprints to the Board in compliance with the information on page 3? If NO, you must submit fingerprints to the Board before your license can be restored to "active" status. Please refer to the *Licensee Live Scan Form* available on the Board's Web site in order to begin the fingerprinting process. Yes  No

**\*A retired license may ONLY be reactivated as follows:**

- **Retired license issued on or before December 31, 2013:**  
Your license can only be reactivated if your status change request application is received within **five (5) years** from the date your retired license was issued.
- **Retired license issued after December 31, 2013:**  
Your license can only be reactivated if your status change request application is received within **three (3) years** from the date your retired license was issued

***Return your retired license with this application***

**I have read and understand the information provided on this form, and hereby request that my retired license be reactivated. NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of this application.**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*Business and Professions Code sections 4982(b), 4989.54 (b), 4992.3 (b) and 4999.90 (b) give the board the right to refuse to issue any registration or license, or may suspend or revoke the license or registration of any registrant or licensee if the applicant secures the license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board.

\*\*\*The address you enter on this application is public information and will be placed on the Internet pursuant to Business and Professions Code section 27. If you do not want your home or work address available to the public, please provide an alternate mailing address such as a PO Box.

\*\*\*\*Disclosure of your social security number is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 USCA 405 (c) (2) (c)) authorizes collection of your social security number. Your social security number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your social security number, your application for initial or renewal license will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

**Continued on next page**

# **IMPORTANT INFORMATION**

## **PLEASE READ CAREFULLY**

### **FINGERPRINT SUBMISSION REQUIREMENT**

In compliance with Title 16, California Code of Regulations Section 1815, the Board requires a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal history background check on all applicants, licensee, and registrants who have not previously submitted fingerprints to the Board or whom an electronic record of the licensee's fingerprints does not exist in the DOJ's criminal offender record identification database. If you need to submit fingerprints to the Board, please refer to the *Licensee Live Scan* form available on the Board's Web site at [www.bbs.ca.gov](http://www.bbs.ca.gov) under the "Forms/Pubs" section.

### **CONTINUING EDUCATION (CE) INFORMATION**

The number of CE hours required to restore your license from retired to active depends on how long your license has been retired.

- If your retired license was issued less than one year from the date of this application, then you must complete 18 hours of continuing education.
- If your retired license was issued one or more years from the date of this application, then you must complete 36 hours of continuing education.

You may earn 12 hours of your required CE through self-study courses. CE must be taken from a BBS approved provider or accredited school. The Board conducts audits of licensee's continuing education. If you are audited, you will be notified in writing to submit copies of your CE certificates or course documentation as proof of compliance with the board's Licensing Laws and Regulations. DO NOT submit proof of CE with this request.

### **NAME CHANGES**

You must use your LEGAL name for your professional license. If you have a name change that you would like to have processed with this form, you must submit a Name Change form to the Board.

### **EXPIRATION DATE**

Your new expiration date will be the same as it would be if your license remained active. It is typically the last day of your birth month based on the normal two year renewal cycle. Example:

- Original license expiration date – 5/31/2011
- Retired license issue date – 1/15/2011
- Request to restore retired license to active – 7/02/2012
- New expiration date – 5/31/2013

### **STATE TAX OBLIGATION – EFFECTIVE JULY 1, 2012**

Pursuant to Business and Professions Code section 31(e), the State Board of Equalization and the Franchise Tax Board may share taxpayer information with a board. A licensee must pay his or her state tax obligation and his or her license may be suspended if the state tax obligation is not paid.

### **AMERICANS WITH DISABILITIES ACT**

The Board of Behavioral Sciences does not discriminate on the basis of disability in employment or in the admission and access to its programs or activities. The Executive Officer of the Board has been designated to coordinate and carry out this agency's compliance with the nondiscrimination requirements of Title II of the Americans with Disabilities Act (ADA). Information concerning the provisions of the ADA, and the rights provided hereunder, are available from the ADA Coordinator.

Continued on next page

## REPORTING PRIOR CONVICTION(S)

California Code of Regulations, Title 16, Section 1813 states: "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."

Submit the following information with your application if you report that you have pled guilty or nolo contendere to a misdemeanor or felony conviction (*including any convictions dismissed under Section 1203.4 of the Penal Code*):

**DO NOT** include offenses prior to your 18<sup>th</sup> birthday; charges dismissed under section 1000.3 of the Penal Code; convictions which are two years or older under sections 11357(b), (c), (d), (e) or section 11360(b) of the Health and Safety Code; or any traffic violations for which a fine of \$500 or less was imposed.

1. A certified copy of the conviction and disposition of your case from the Court Clerk of the court in which convicted and any police reports.
2. A letter from you describing the underlying circumstances of the conviction. If convicted under a different name, please give that name.
3. A letter from you describing rehabilitation efforts or changes you have made to prevent future problems. It is your responsibility to present sufficient evidence of rehabilitation to demonstrate your fitness for licensure. The evidence of rehabilitation may include, but is not limited to:
  - a. Proof of completion of probation if it was required.
  - b. Letters of reference from employers, instructors, professional counselors, probation, or parole officers on official letterhead.
4. You must disclose convictions even if they have been previously reported to the Board. However, it is not necessary for you to re-submit documentation previously on file. You may simply provide a written statement indicating that you believe the information is already on file.

## REPORTING DISCIPLINE AGAINST LICENSE(S)

Submit the following information with your application if you report any disciplinary action you received against a professional license:

1. A certified copy of the determination made by the licensing entity. This document should include date and location of the incident, specific violation, date of disciplinary action, and sanctions or penalties imposed and completion dates.
2. A letter from you describing the underlying circumstances of the incident. If disciplinary action occurred under a different name, please give that name.
3. A letter from you describing rehabilitation efforts or changes you have made to prevent future problems. It is your responsibility to present sufficient evidence of rehabilitation to demonstrate your fitness for licensure. The evidence of rehabilitation may include, but is not limited to:
  - a. Proof of completion of probation if it was required.
  - b. Letters of reference from employers, instructors, professional counselors, probation or parole officers on official letterhead.
4. You must disclose **all** disciplines against licenses even if they have been previously reported to the Board. However, it is not necessary for you to re-submit documentation previously on file, you may simply provide a written statement indicating that you believe the information is already on file.

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**To:** Policy and Advocacy Committee Members      **Date:** January 20, 2017  
**From:** Christy Berger  
Regulatory Analyst      **Telephone:** (916) 574-7817  
**Subject: Proposed Rulemaking: LPCCs Working with Couples and Families:  
Exemptions and Supervised Experience**

---

An LPCC is not permitted to assess or treat couples and families until the licensee has met certain educational and supervised experience requirements per Business and Professions Code (BPC) section 4999.20(a)(3). One of those specified requirements is 500 hours of documented supervised experience with couples, families or children.

Section 1820.5<sup>1</sup> of the Board's regulations provides an exemption, which allows LPCCs who do not yet meet the requirements of BPC section 4999.20 to assess or treat couples and families, but only if they are gaining the supervised experience necessary to comply with BPC section 4999.20(a)(3)(B). A similar exemption is also provided for professional counselor interns (PCIs).

The proposed regulatory changes would clarify who can supervise LPCCs and PCIs who are gaining experience in assessing or treating couples, families or children, and who wish to count that experience toward meeting the 500-hour requirement. The acceptable types of supervisors are currently implied by the regulation but needs to be made explicit, as they are listed in the context of the exemption, rather than in the context of meeting the 500-hour requirement.

The proposal would clearly specify that the required 500 hours of experience with couples, families or children must be supervised by one of the following licensees:

- A licensed professional clinical counselor who already meets the 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, who has sufficient education and experience in treating couples and families to competently practice couple and family therapy in California.

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<sup>1</sup> Title 16, California Code of Regulations

In addition, this regulation proposal would do the following:

- Change the regulation “header” to more accurately reflect the topic of the regulation.
- Add “or children” to subdivision (b) in accordance with BPC section 4999.20(a)(3)(B). Note that trainees may assess or treat couples, families or children under the exemption, but may not count this experience toward meeting the 500-hour requirement.
- Change “intern” to “associate” in accordance with SB 1478 (Chapter 489, Statutes of 2016).
- Delete the word “approved” before the word “supervisor” in subparagraph (c)(2) as the supervision committee bill will remove the word “approved” from statute.

### **Recommendation**

The Policy and Advocacy Committee should conduct an open discussion regarding the proposed language, make necessary changes, and refer it to the full Board for consideration.

### **ATTACHMENTS:**

**Attachment A:** Proposed Language

**Attachment B:** Business and Professions Code (BPC) section 4999.20

**Attachment C:** Title 16, California Code of Regulations section 1820.7



## Attachment A

### BOARD OF BEHAVIORAL SCIENCES

#### Initial Draft Language

#### **§ 1820.5. EXEMPTIONS FOR WORKING WITH COUPLES OR FAMILIES ASSESSMENT OR TREATMENT OF COUPLES AND FAMILIES: EXEMPTIONS AND SUPERVISED EXPERIENCE**

(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,~~ or children toward the requirements of section 4999.20(a)(3) of the Code.

(c) Professional clinical counselor interns associates 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 associate 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 ~~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) Professional clinical counselor associates and licensees gaining experience with couples, families, or children toward meeting the requirements of section 4999.20(a)(3)(B) of the Code, shall be supervised by a licensee who meets the qualifications of subsection (2) of paragraph (c) of this section.

~~(d e)~~ Collateral consultation may be provided to a family of an individual who is being treated by an LPCC or intern associate 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: Section 4990.20, Business and Professions Code. Reference: Sections 4990.20, 4999.12, 4999.20, 4999.32, and 4999.33, and 4999.46, Business and Professions Code.*

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## ATTACHMENT B

### §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.

## **ATTACHMENT C**

### **§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.

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**To:** Policy and Advocacy Committee Members      **Date:** January 17, 2017  
**From:** Rosanne Helms      **Telephone:** (916) 574-7897  
Legislative Analyst  
**Subject: AB 93 (Required Experience and Supervision): Additional Amendments**

---

The Board is pursuing legislation to update the requirements for gaining supervised experience toward licensure for LMFT, LCSW, and LPCC applicants. At its November 4, 2016 meeting, the Board approved language developed by the Supervision Committee, and directed staff to pursue a bill proposal through the Legislature.

The bill was introduced on January 9, 2017 as AB 93 (Medina).

Staff has identified the need for minor technical amendments in the bill proposal. The amendments do the following:

- 1. Change section references in statute that need to be updated due to renumbering**  
Many sections were renumbered in the proposed language, and new sections were added. Therefore, there are several references in existing law that need to be updated.
- 2. Updating title designations of individuals in the licensure process in order to more accurately identify them.**  
The proposed language modified the definitions of “associate” and “applicant for licensure” in LMFT and LPCC law. Due to these changes, staff has reviewed existing references in law to “applicant,” “associate,” “intern,” “supervisee,” “trainee,” and “registrant,” among others, for accuracy. Changes have been made where appropriate.
- 3. Changing references from “intern” to “associate” to in compliance with the title change effective January 1, 2018.**

**4. Clarify 90 Day Rule for LMFT and LPCC Applicants: (BPC §§4980.03(b)(2), 4980.43.2(c), 4999.12(f)(2), 4999.46.1(c))**

Upon graduation, an applicant may consider himself/herself a registrant for purposes of counting hours if he or she applies for registration with the Board within 90 days of the degree award date. This is referred to as the “90 day rule.”

Language related to the 90 day rule has been amended to specify that the 90 day period to apply for registration after the degree is awarded is determined by the date that the Board receives the application.

**5. Clarify Six-Year Rule: (BPC §§4980.43(a)(7), 4996.23(a)(5), 4999.46(c))**

The law states that no hours of experience may be gained more than six years prior to the date the application for licensure is filed. An amendment was made to clarify that no hours of experience may be gained more than six years prior to the date the application for licensure was received by the Board.

**6. Clarify PreDegree Practicum/Field Study Experience: (BPC §4999.46.3(b))**

Language in BPC Section 4999.46.3(b) related to clinical counselor trainee predegree supervised practicum or field study experience was amended for clarity.

**7. Limits on Supervisees (BPC §§4980.43.5(d), 4996.23.2(d), 4999.46.4(d))**

The law sets limits on the number supervisees that may be supervised in a corporation. An amendment clarifies that the supervisees may be employees, volunteers, or a combination of employees and volunteers.

**Attachment A** shows the proposed amendments to sections that are already included in AB 93. In order to clearly show which amendments are *proposed*, amendments that staff is suggesting for approval today are shown in green text with underline or strikeout and yellow highlight.

**Attachment B** shows proposed amendments to sections that are not included in AB 93 yet. As these amendments are not yet part of the bill, they are shown in red text with underline and strikeout.

**Recommendation**

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and submit to the Board for consideration.

**ATTACHMENTS:**

**Attachment A:** Proposed Amendments to AB 93

**Attachment B:** AB 93: Additional Sections to be Included in AB 93



## ATTACHMENT A PROPOSED AMENDMENTS TO AB 93

*Note: This document shows the text of AB 93 as introduced on 1/9/17.  
The Board approved this language on 11/4/16.*

*New amendments for consideration today are shown in green text with underline or strikeout and yellow highlight.*

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 93

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**Introduced by Assembly Member Medina**

January 09, 2017

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An act to amend Sections 4980.01, 4980.03, 4980.35, 4980.397, 4980.43, 4980.44, 4980.78, 4980.79, 4982, 4982.15, 4984.01, 4984.7, 4992.3, 4996.17, 4996.18, 4996.23, 4999.12, 4999.36, 4999.42, 4999.46, 4999.51, 4999.62, 4999.63, and 4999.90 of, to amend and renumber Section 4980.45 of, to add Sections 4980.43.1, 4980.43.2, 4980.43.3, 4980.43.4, 4980.43.6, 4996.20, 4996.21, 4996.23.1, 4996.23.2, 4996.23.3, 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4, and 4999.46.5 to, and to repeal Sections 4996.24, 4999.34, 4999.44, 4999.45, 4999.455, and 4999.47 of, the Business and Professions Code, relating to healing arts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 93, as introduced, Medina. Healing arts: marriage and family therapists: clinical social workers: professional clinical counselors: required experience and supervision.

Existing law provides for the licensure and regulation of marriage and family therapists, clinical social workers, and professional clinical counselors by the Board of Behavioral Sciences, which is within the Department of Consumer Affairs. Existing law requires trainees, interns, and applicants for licensure in those professions to comply with specified educational and experience

requirements, including, but not limited to, hours of supervised experience, and sets forth terms, conditions, and limitations for those hours of experience, including required supervision, as specified. Existing law also requires individuals seeking licensure in those professions to register with the board in order to gain experience hours. Under existing law, a violation of any of the requirements of the licensing acts for marriage and family therapists, clinical social workers, and professional clinical counselors is punishable as a misdemeanor.

This bill would revise and recast those supervised experience requirements, as specified. The bill would place new requirements on supervisors of trainees, associates, and applicants for licensure and place new requirements on trainees, associates, and applicants for licensure who are under supervision, as specified. By placing new requirements on trainees, associates, applicants for licensure, and their supervisors, a violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

## **Digest Key**

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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## **Bill Text**

# **THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

### **SECTION 1.**

Section 4980.01 of the Business and Professions Code is amended to read:

**4980.01.**

(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~~ *associates* or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

## SEC. 2.

Section 4980.03 of the Business and Professions Code is amended to read:

4980.03.

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

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

*(1) The individual is registered with the board as an associate.*

*(2) The individual's degree was awarded and ~~he or she applies~~ the board receives his or her application for registration as an associate with the board within 90 days of the degree award date.*

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

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

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

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

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

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

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

*(2) If the supervisor is a licensed professional clinical counselor, he or she meets the additional training and education requirements specified in subparagraphs (A) to (C), inclusive, of paragraph (3) of subdivision (a) of Section 4999.20.*

*(3) Has practiced psychotherapy or provided direct clinical supervision of marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers, who perform psychotherapy, for at least two years within the five-year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master’s or doctoral program or professional clinical counselor trainees, who perform psychotherapy, shall be accepted toward the required two years if the supervision provided to the students is substantially *similar* *equivalent* to the supervision required for registrants.*

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

~~(3)~~

*(5) Has not provided therapeutic services to the ~~trainee or intern.~~ supervisee.*

~~(4)~~

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

~~(5)~~

(7) 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.

### SEC. 3.

Section 4980.35 of the Business and Professions Code is amended to read:

4980.35.

(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,~~ *associates*, and the consuming public.

(2) Develop policies and procedures to assist educational institutions in meeting the curricula requirements of Sections 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,~~ *associates*, and trainees, of the supervision of ~~interns~~ *associates* and trainees, which shall include, but not be limited to,

the following, and shall propose regulations regarding the supervision of ~~interns~~ *associates* and trainees ~~which that~~ 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~~ *associate'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~~ *associate* or trainee regarding the necessity or value and appropriateness of the ~~intern~~ *associate* or trainee engaging in personal psychotherapy, so as to enable the ~~intern~~ *associate* or trainee to become a more competent marriage and family therapist.

#### **SEC. 4.**

Section 4980.397 of the Business and Professions Code is amended to read:

4980.397.

(a) Effective January 1, 2016, a registrant or 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~~ *an associate* marriage and family therapist ~~intern~~ shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant or an applicant for licensure 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.

#### **SEC. 5.**

Section 4980.43 of the Business and Professions Code is amended to read:

(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~~ Hours of experience ~~may~~ shall not be gained more than six years prior to the date the application for ~~examination-eligibility licensure~~ was filed/received by the board, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.
- (8) A minimum of 1,750 hours of direct *clinical* counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.
- (9) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant's supervisor.
- (10) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SEC. 6.**

Section 4980.43.1 is added to the Business and Professions Code, to read:

4980.43.1.

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

(b) As used in this chapter, the term “supervision” means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience.

(c) Supervision includes, but is not limited to, all of the following:

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

(2) Monitoring and evaluating the supervisee’s assessment, diagnosis, and treatment decisions and providing regular feedback.

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

(4) Monitoring for and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.

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

(6) Reviewing the supervisee’s progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client’s written consent, providing direct observation or review of audio or video recordings of the supervisee’s counseling or therapy, as deemed appropriate by the supervisor.

## **SEC. 7.**

Section 4980.43.2 is added to the Business and Professions Code, to read:

4980.43.2.

(a) Before applying for licensure with the board, all applicants for licensure as a licensed marriage and family therapist shall first satisfy the required supervised experience.

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

(c) Postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the associate registration **and the board receives the application** within 90 days of the granting of the qualifying degree and he or she is thereafter granted the associate registration by the board. An applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

## **SEC. 8.**

Section 4980.43.3 is added to the Business and Professions Code, to read:

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

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

(+2) An associate gaining experience shall receive at least one additional hour of direct supervisor contact in each week for which more than 10 hours of direct clinical counseling is performed in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

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

(b) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

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

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

(d) An applicant for licensure shall have received at least one hour per week of direct supervisor contact that is individual, triadic, or a combination of both, as specified in paragraphs (1) or (2) of subdivision (b), for a minimum of 52 weeks.

(e) When conducting group supervision, as specified in paragraph (3) of subdivision (b), the supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(f) Notwithstanding subdivision (b), an associate working in a governmental entity, a school, a college, 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 compliance with state and federal law relating to confidentiality of patient health information.

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

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

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

## **SEC. 9.**

Section 4980.43.4 is added to the Business and Professions Code, to read:

### **4980.43.4.**

(a) A trainee, associate, or applicant for licensure shall only perform services as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision shall apply equally to employees and volunteers. A trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4980.02, as an independent contractor.

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

(2) If volunteering, an associate shall provide the board with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained. This letter shall be provided to the board upon application for licensure.

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

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

(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements 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) Only experience gained in the position for which the trainee volunteers or is employed shall qualify as supervised experience.

(c) (1) An associate 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 associate's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4980.02.

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

(3) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

(4) An applicant for registration as an associate shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

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

(e) A trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer.

(f) A trainee, associate, or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(g) A trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee and not an independent contractor. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payment received was for reimbursement of expenses actually incurred.

(h) A trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee and not an independent contractor. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payment received was for the specified purposes.

(i) For purposes of paragraph (3) of subdivision (a) of Section 2990.5, an associate or a trainee working under a licensed supervisor, consistent with this chapter, may provide services via telehealth within the scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board.

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

## SEC. 10.

Section 4980.43.6 is added to the Business and Professions Code, to read:

4980.43.6.

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for a period of seven years after termination of supervision and shall make these records available to the board for auditing purposes upon request.

## SEC. 11.

Section 4980.44 of the Business and Professions Code is amended to read:

4980.44.

An unlicensed *associate* 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) of section 4980.43.2.~~
- (c) Prior to performing any professional services, inform each client or patient that he or she is an unlicensed *registered associate* marriage and family ~~therapist-registered intern,~~ *therapist*, 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 *registered associate* marriage and family therapist ~~registered intern~~ shall include, at a minimum, all of the following information:
  - (A) That he or she is a *registered associate* marriage and family ~~therapist-registered intern.~~ *therapist*.

- (B) The ~~intern's~~ *associate'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”~~ *“AMFT”* shall not be used in an advertisement unless the title ~~“marriage~~ *“registered associate marriage* and family ~~therapist registered intern”~~ *therapist”* appears in the advertisement.

## SEC. 12.

Section 4980.45 of the Business and Professions Code is amended and renumbered to read:

~~4980.45.~~

~~(a)~~

~~4980.43.5.~~

*(a) A trainee, associate, or applicant for licensure shall only perform services at the place where his or her employer regularly conducts business and services, which may include performing services at other locations as long as the services are performed under the direction and control of his or her employer and his or her supervisor and in compliance with the laws and regulations pertaining to supervision.*

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

*(c) A licensed professional in private practice who has satisfied the 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 an associate marriage and family therapist intern, clinical counselor intern, or therapist, an associate professional clinical counselor, or an~~ associate clinical social worker in that private practice.*

*(d) All of the following limits shall apply to marriage and family therapy corporations:*

~~(b)~~

*(1) A marriage and family therapy corporation may ~~employ, retain,~~ at any one time, no more than a total of three ~~individuals employees, and volunteers,~~ or a combination of employees and volunteers, registered as ~~a an associate marriage and family therapist intern, clinical counselor intern, or therapist, an associate professional clinical counselor, or an~~ associate clinical social worker for each supervising employee or shareholder who has satisfied the requirements of subdivision (g) of Section 4980.03. ~~It~~*



(2) *In* no event shall any marriage and family therapy corporation ~~employ, retain,~~ at any one time, more than a total of 15 ~~individuals employees, and volunteers,~~ or a combination of employees and volunteers, registered as ~~a an associate marriage and family therapist intern, clinical counselor intern, or therapist, an associate professional clinical counselor, or an associate clinical social worker.~~ ~~In~~

(3) *In* no event shall any supervisor supervise, at any one time, more than a total of three ~~individuals employees, and volunteers,~~ or a combination of employees and volunteers, registered as either ~~a an associate marriage and family therapist intern, clinical counselor intern, or therapist, an associate professional clinical counselor, or an associate clinical social worker.~~ ~~Persons~~ *A person* who ~~supervise individuals~~ *supervises* an employees or and volunteers registered as either ~~a an associate marriage and family therapist intern, clinical counselor intern, or therapist, an associate professional clinical counselor, or an 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~~

(4) *Employment* and supervision within a marriage and family therapy corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

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

(f) *In any setting that is not a private practice, a supervisor shall evaluate the site or sites where a trainee or associate will be gaining hours of experience toward licensure and shall determine both of the following:*

(1) *That the site or sites provide experience that is within the scope of practice of a marriage and family therapist.*

(2) *That the experience is in compliance with the requirements set forth in this chapter and regulation.*

(g) *Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.*

## **SEC. 13.**

Section 4980.78 of the Business and Professions Code is amended to read:

4980.78.

(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~~ *associate*.

(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~~ *associate*.

(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~~ *associate*.

(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~~, *associate*, unless otherwise specified.

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

## **SEC. 14.**

Section 4980.79 of the Business and Professions Code is amended to read:

4980.79.

(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~~, *associate*.

(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~~ *associate*.

(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~~ *associate*.

(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~~ *associate*.

(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~~, *associate*, unless otherwise specified.

## **SEC. 15.**

Section 4982 of the Business and Professions Code is amended to read:

4982.

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~~ *trainee, registered associate, or applicant* ~~for~~ *licensure* 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, associate clinical social worker, or trainee, or applicant~~ 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~~ *trainee, registered associate, or applicant for licensure* under one's supervision or control to perform, or permitting the ~~trainee or registered intern~~ *trainee, registered associate, or applicant for licensure* to hold himself or herself out as competent to perform, professional services beyond the ~~trainee's or registered intern's~~ *trainee's, registered associate's, or applicant's for licensure'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.

## **SEC. 16.**

Section 4982.15 of the Business and Professions Code is amended to read:

4982.15.

(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~~ *associate*.

(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.

## **SEC. 17.**



Section 4984.01 of the Business and Professions Code is amended to read:

4984.01.

(a) The *associate* 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~~ *associate* registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent-~~intern~~ *associate* registration number and has passed the California law and ethics examination described in Section 4980.399. An applicant who is issued a subsequent-~~intern~~ *associate* 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.

## **SEC. 18.**

Section 4984.7 of the Business and Professions Code is amended to read:

4984.7.

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

(1) The application fee for an-~~intern~~ *associate* registration shall be seventy-five dollars (\$75).

(2) The renewal fee for an-~~intern~~ *associate* 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.

## **SEC. 19.**

Section 4992.3 of the Business and Professions Code is amended to read:

**4992.3.**

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

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

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

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

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

(d) Incompetence in the performance of clinical social work.

(e) An act or omission that falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence.

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

(g) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.

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

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

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

- (k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (l) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.
- (m) Performing, or holding ~~one's self~~ *oneself* out as being able to perform, or offering to perform or permitting, any registered associate ~~clinical social worker or intern worker, trainee, registrant, or applicant~~ 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.~~ *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, associate,~~ or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (t) 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.*

*(u) Permitting an applicant for licensure, trainee, or registrant under one's supervision or control to perform, or permitting the supervisee to hold himself or herself out as competent to perform, professional services beyond the supervisee's level of education, training, or experience.*

*(v) The violation of any law or regulation governing the gaining or supervision of experience required by this chapter.*

~~(t)~~

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

~~(u)~~

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

~~(v)~~

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

~~(w)~~

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

~~(x)~~

*(aa) Failure to comply with Section 2290.5.*

~~(y)~~

*(ab) (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)

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

## SEC. 20.

Section 4996.17 of the Business and Professions Code is amended to read:

4996.17.

(a) (1) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(2) Commencing January 1, 2014, an applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(b) The board may issue a license to any person who, at the time of application, holds a valid active clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than ~~3,200~~ 3,000 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

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

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

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

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(4) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid, active clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

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

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

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

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(4) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) Commencing January 1, 2016, an applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination specified in Section 4996.1 if the applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board.

## **SEC. 21.**

Section 4996.18 of the Business and Professions Code is amended to read:

### **4996.18.**

(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)~~

(d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

~~(g)~~

(e) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

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

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

~~(i) A registrant~~

*(g) All applicants and registrants shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.*

## SEC. 22.

Section 4996.20 is added to the Business and Professions Code, to read:

4996.20.

(a) "Supervisor," as used in this chapter, means an individual who meets the requirements set forth in this chapter and by regulation. The requirements include, but are not limited to, all of the following:

(1) Has been actively licensed in this state or has held an active equivalent license in any other state 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, for at least two years of the past five years immediately prior to commencing any supervision.

(2) Has practiced psychotherapy or provided direct clinical supervision of associate clinical social workers, associate marriage and family therapists or trainees, or associate professional clinical counselors, who perform psychotherapy, for at least two years within the five-year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program who perform psychotherapy or professional clinical counselor trainees who perform psychotherapy shall be accepted toward the required two years if the supervision provided to the students is substantially **similar equivalent** to the supervision required for registrants.

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

(4) Has not provided therapeutic services to the supervisee.

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

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

(b) "Supervision," for purposes of this chapter, means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience.

(c) Supervision includes, but is not limited to, all of the following:

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

(2) Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.

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

(4) Monitoring for and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.

(5) Ensuring the supervisee's compliance with laws and regulations governing the practice of clinical social work.

(6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.

## SEC. 23.

Section 4996.21 is added to the Business and Professions Code, to read:

4996.21.

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for a period of seven years after termination of supervision and shall make these records available to the board for auditing purposes upon request.

## SEC. 24.

Section 4996.23 of the Business and Professions Code is amended to read:

4996.23.

(a) To qualify for licensure as specified in Section 4996.2, each applicant shall complete ~~3,200~~ *3,000* hours of post-master's degree supervised experience related to the practice of clinical social ~~work.~~ *work under a supervisor who meets the qualifications in Section 4996.20. Experience shall not be gained until the applicant is actively registered as an associate clinical social worker.* The experience shall comply with the following:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a ~~licensed mental health professional acceptable to the board as defined by a regulation adopted by the board.~~ *supervisor holding any of the license types listed as acceptable in this chapter.*

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling.

(3) A maximum of ~~1,200~~ *1,000* hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.

(5) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed/received by the board.

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

*(7) No more than six hours of supervision, whether individual or group, shall be credited during any single week.*

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

~~(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.~~

~~(d)(1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.~~

~~(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.~~

~~(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).~~

~~(5)~~

(c) The six hours of supervision that may be credited during any single week pursuant to paragraph ~~(3)~~ *(7) of subdivision (a)* shall apply only to supervision hours gained on or after January 1, 2010.

~~(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.~~

~~(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.~~

~~(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way~~

~~videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.~~

~~(e)The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.~~

~~(f)Experience shall only be gained in a setting that meets both of the following:~~

~~(1)Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.~~

~~(2)Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.~~

~~(g)Experience shall not be gained until the applicant has been registered as an associate clinical social worker.~~

~~(h)Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.~~

~~(i)A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

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

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

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

~~(m)An associate shall not do the following:~~

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

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

~~(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.~~

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

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

## **SEC. 25.**

Section 4996.23.1 is added to the Business and Professions Code, to read:

4996.23.1.

(a) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

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

(b) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (a) of Section 4996.23, supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting. An associate clinical social worker gaining experience shall receive at least one additional hour of direct supervisor contact in every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting.

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

(d) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(e) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.

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

(g) Notwithstanding subdivision (a), an associate clinical social worker working for a governmental entity, a school, a college, 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 compliance with state and federal law relating to confidentiality of patient health information.

(h) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (3) of subdivision (a) of Section 4996.23, shall be at the supervisor's discretion.

## **SEC. 26.**

Section 4996.23.2 is added to the Business and Professions Code, to read:

### **4996.23.2.**

(a) An associate clinical social worker or applicant shall only perform services as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision shall apply equally to employees and volunteers. An associate or applicant shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4996.9, as an independent contractor.

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

(2) If volunteering, an associate shall provide the board with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained. This letter shall be provided to the board upon application for licensure.

(b) "Private practice," for purposes of this chapter, is defined as a setting 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.

(c) Employment in a private practice shall not commence until the applicant has been registered as an associate clinical social worker.

(d) 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.



(e) While an associate clinical social worker may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(f) Only experience gained in the position for which the associate clinical social worker volunteers or is employed shall qualify as supervised experience.

(g) 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 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.

(h) An associate or applicant shall not do any of 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 his or her 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.

(i) An associate clinical social worker or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee and not an independent contractor. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(j) An associate clinical social worker or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee and not an independent contractor. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments received were for the specified purposes.

## **SEC. 27.**

Section 4996.23.3 is added to the Business and Professions Code, to read:

### **4996.23.3.**

(a) An associate clinical social worker or an applicant for licensure shall only perform services at the place where his or her employer regularly conducts business and services, which may include performing services at other locations, as long as the services are performed under the direction and control of his or her employer and his or her supervisor and in compliance with the laws and regulations pertaining to supervision.

(b) Except for periods of time during a supervisor's vacation or sick leave, an associate clinical social worker who is employed or volunteering in private practice shall be under the direct supervision of a supervisor who is either employed by, and practices at the same site as, the associate's employer or is an owner or shareholder of the private practice.

(c) A licensed professional in private practice who has satisfied the requirements of subdivision (a) of Section 4996.20 may supervise or employ, at any one time, no more than a total of three individuals registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker in that private practice.

(d) All of the following limits shall apply to a licensed clinical social worker corporation:

(1) A licensed clinical social worker corporation may retain, at any one time, no more than a total of three employees, ~~and~~ volunteers, or a combination of employees and volunteers, registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker for each supervising employee or shareholder who has satisfied the requirements of subdivision (a) of Section 4996.20.

(2) In no event shall any licensed clinical social worker corporation retain, at any one time, more than a total of 15 employees, ~~and~~ volunteers, or a combination of employees and volunteers, registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.

(3) In no event shall any supervisor supervise, at any one time, more than a total of three employees, ~~s, and~~ volunteers, or a combination of employees and volunteers, registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker. A person who supervises an employees ~~s and or~~ volunteers registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker shall be employed full time by the licensed clinical social worker corporation and shall be actively engaged in performing professional services at and for the licensed clinical social worker corporation.

(4) Employment and supervision within a licensed clinical social worker corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

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

(f) In any setting that is not a private practice, a supervisor shall evaluate the site or sites where an associate clinical social worker will be gaining hours of experience toward licensure and shall determine both of the following:

(1) That the site provides experience that is within the scope of practice of a clinical social worker.

(2) That the experience is in compliance with the requirements set forth in this chapter and regulations.

(g) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and by regulation.

## **SEC. 28.**

Section 4996.24 of the Business and Professions Code is repealed.

### ~~4996.24.~~

~~(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.~~

## **SEC. 29.**

Section 4999.12 of the Business and Professions Code is amended to read:

### **4999.12.**

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”~~ *“Applicant for licensure”* means an unlicensed person who has completed a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, and whose application for registration as an intern is pending or who has applied for examination eligibility, or an unlicensed person who has completed the requirements for licensure specified in this chapter and is no longer registered with the board as an intern. *the required education and required hours of supervised experience for licensure as specified in this chapter.*

(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”~~ *“Associate”* means an unlicensed person who meets the requirements of Section 4999.42 and ~~is registered with the board.~~ *who meets one of the following:*

*(1) The individual is registered with the board as an associate.*

*(2) The individual’s degree was awarded and ~~he or she applies~~ **the board receives his or her application** for registration with the board as an associate within 90 days of the degree award date.*

(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”~~ *“Supervisor”* means an individual who meets *all of* the following requirements:

*(1) Has ~~documented two years of clinical experience~~ **been actively licensed in this state or has held an active equivalent license in another state** 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.~~ **Neurology, for at least two of the past five years immediately prior to commencing any supervision.***

*(2) The supervisor meets the additional training and education requirements in subparagraphs (A) to (C), inclusive, of paragraph (3) of subdivision (a) of Section 4999.20 if he or she is a licensed professional clinical counselor, supervising an associate marriage and family therapist, a marriage and family therapist trainee, or an associate professional clinical counselor or licensee seeking experience to treat couples and families pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 4999.20.*

*(3) Has practiced psychotherapy or provided direct clinical supervision of marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers, who perform psychotherapy, for at least two years within the five-year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master’s or doctoral program or professional clinical counselor trainees, who perform psychotherapy, shall be accepted toward the required two years if the supervision provided to the students is substantially **similar/equivalent** to the supervision required for registrants.*

~~(2)~~

(4) Has received professional training in ~~supervision~~ *supervision as specified in this chapter and by regulation.*

~~(3)~~

(5) Has not provided therapeutic services to the ~~clinical counselor trainee or intern~~ *supervisee.*

~~(4)~~

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

*(7) Complies with supervision requirements established by this chapter and by regulation.*

(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) (1) “Supervision” ~~includes the following:~~ *means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience.*

*(2) Supervision includes, but is not limited to, all of the following:*

~~(4)~~

*(A) 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~~

*(B) Monitoring and evaluating assessment, diagnosis, and treatment decisions of the ~~clinical counselor trainee~~. supervisee and providing regular feedback.*

~~(3)~~

*(C) Monitoring and evaluating the supervisee's 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.*

*(D) Monitoring for and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.*

~~(4)~~

*(E) Ensuring the supervisee's compliance with laws and regulations governing the practice of licensed professional clinical counseling.*

*(F) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.*

~~(5) That amount of direct observation,~~

*(G) With the client's written consent, providing direct observation or review of audio or ~~videotapes~~ video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.*

*(n) "Clinical setting" means any setting that meets both of the following requirements:*

*(1) Lawfully and regularly provides 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 in regulation and is within the scope of practice of the profession.*

*(o) "Community mental health setting," as used in Section 4999.46, 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.*

*(4) Is not a private practice.*

## SEC. 30.

Section 4999.34 of the Business and Professions Code is repealed.

### ~~4999.34.~~

~~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.~~

## SEC. 31.

Section 4999.36 of the Business and Professions Code is amended to read:

### 4999.36.

(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 *required* postdegree ~~internship hours.~~ *supervised experience.*

~~(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.~~

## **SEC. 32.**

Section 4999.42 of the Business and Professions Code is amended to read:

~~4999.42.~~

(a) To qualify for registration as an ~~intern~~, *associate*, 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~~ *associate* registration on January 1, 2011.

## **SEC. 33.**

Section 4999.44 of the Business and Professions Code is repealed.

~~4999.44.~~

~~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.~~

## **SEC. 34.**

Section 4999.45 of the Business and Professions Code is repealed.

~~4999.45.~~

~~(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.~~

## **SEC. 35.**

Section 4999.455 of the Business and Professions Code is repealed.

~~4999.455.~~

~~(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.~~

## SEC. 36.

Section 4999.46 of the Business and Professions Code is amended to read:

4999.46.

(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.~~ *a supervisor*. The experience shall comply with the following:

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

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

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

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

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

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

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

~~(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.~~

## **SEC. 37.**

Section 4999.46.1 is added to the Business and Professions Code, to read:

**4999.46.1.**

(a) An associate or applicant for licensure shall be at all times under the supervision of a supervisor as specified in this chapter and by regulation.

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

(c) Postdegree hours of experience shall be credited toward licensure so long as the applicant applies for associate registration ~~as an associate~~ and the board receives the application within 90 days of the granting of the qualifying degree and he or she is thereafter granted registration as an associate by the board. An applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

(d) An associate employed under this chapter shall do all of the following:

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

(2) Not be employed or volunteer in a private practice until registered as an associate with the board.

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

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

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

### **SEC. 38.**

Section 4999.46.2 is added to the Business and Professions Code, to read:

4999.46.2.

(a) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact in each week for every five hours of direct clinical counseling that is performed in each setting.

(b) (1) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (5) of subdivision (a) of Section 4999.46, supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) An associate gaining experience shall receive at least one additional hour of direct supervisor contact in each week for which more than 10 hours of direct clinical counseling is performed in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(c) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

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

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

(e) An applicant for licensure shall have received at least one hour per week of direct supervisor contact that is individual, triadic, or a combination of both, as specified in paragraphs (1) and (2) of subdivision (c), for a minimum of 52 weeks.

(f) When conducting group supervision, as specified in paragraph (3) of subdivision (c), the supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(g) Notwithstanding subdivision (c), an associate working in a governmental entity, a school, a college, 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 compliance with state and federal law relating to confidentiality of patient health information.

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

(i) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (5) of subdivision (a) of Section 4999.46, shall be at the supervisor’s discretion.

## **SEC. 39.**

Section 4999.46.3 is added to the Business and Professions Code, to read:

4999.46.3.

(a) A clinical counselor trainee, associate, or applicant for licensure shall only perform services as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision shall apply equally to employees and volunteers. A clinical counselor

trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4999.20, as an independent contractor.

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

(2) If volunteering, an associate shall provide the board with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained. This letter shall be provided to the board upon application for licensure.

(b) (1) A clinical counselor trainee shall not perform services in a private practice.

(2) A clinical counselor trainee ~~may be credited with~~ shall complete the required predegree supervised practicum or field study experience ~~completed~~ in a setting that meets both of the following:

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

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

(23) Only experience gained in the position for which the clinical counselor trainee volunteers or is employed shall qualify as supervised practicum or field study experience.

(c) (1) An associate 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 associate's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).

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

(3) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

(4) An applicant for registration as an associate shall not be employed or volunteer in a private practice until an associate registration has been issued to the applicant by the board.

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

- (e) A clinical counselor trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer.
- (f) A clinical counselor trainee, associate, or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.
- (g) A clinical counselor trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee and not an independent contractor. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.
- (h) A clinical counselor trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee and not an independent contractor. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments received were for the specified purposes.
- (i) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and trainees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

## **SEC. 40.**

Section 4999.46.4 is added to the Business and Professions Code, to read:

### **4999.46.4.**

- (a) A clinical counselor trainee, associate, or applicant for licensure shall only perform services at the place where his or her employer regularly conducts business and services, which may include performing services at other locations, as long as the services are performed under the direction and control of his or her employer and his or her supervisor and in compliance with the laws and regulations pertaining to supervision.
- (b) Except for periods of time during a supervisor's vacation or sick leave, an associate who is employed or volunteering in private practice shall be under the direct supervision of a supervisor who is either employed by, and practices at the same site as, the associate's employer or is an owner or shareholder of the private practice.

(c) A licensed professional in private practice who has satisfied the 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 an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker in that private practice.

(d) All of the following limits shall apply to a professional clinical counselor corporation:

(1) A professional clinical counselor corporation may retain, at any one time, no more than a total of three employees, ~~and~~ volunteers, or a combination of employees and volunteers, registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker for each supervising employee or shareholder who has satisfied the requirements of subdivision (h) of Section 4999.12.

(2) In no event shall any professional clinical counselor corporation retain, at any one time, more than a total of 15 employees, ~~s, and~~ volunteers, or a combination of employees and volunteers, registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.

(3) In no event shall any supervisor supervise, at any one time, more than a total of three employees, ~~and~~ volunteers, or a combination of employees and volunteers, registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker. A person who supervises an employees ~~s and/or~~ volunteers registered as an associate marriage and family therapist, an associate professional clinical counselor, or an 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.

(4) Employment and supervision within a professional clinical counselor corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

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

(f) In any setting that is not a private practice, a supervisor shall evaluate the site or sites where an associate will be gaining hours of experience toward licensure and shall determine both of the following:

(1) That the site or sites provide experience that is within the scope of practice of a professional clinical counselor.

(2) That the experience is in compliance with the requirements set forth in this chapter and by regulation.

(g) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.

## **SEC. 41.**



Section 4999.46.5 is added to the Business and Professions Code, to read:

4999.46.5.

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for a period of seven years after termination of supervision and shall make these records available to the board for auditing purposes upon request.

## SEC. 42.

Section 4999.47 of the Business and Professions Code is repealed.

~~4999.47.~~

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

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

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

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

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

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

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

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

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

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

## **SEC. 43.**

Section 4999.51 of the Business and Professions Code is amended to read:

4999.51.

To qualify for licensure as a professional clinical counselor or registration as an ~~intern~~, *associate*, applicants shall meet the board's regulatory requirements for professional clinical counselor licensure or ~~intern~~ *associate* 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.

## **SEC. 44.**

Section 4999.62 of the Business and Professions Code is amended to read:

**4999.62.**

(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~~ *associate*.

(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~~ *subparagraph* (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~~ *associate*.

(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~~ *associate*.

(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~~ *associate*.

## **SEC. 45.**

Section 4999.63 of the Business and Professions Code is amended to read:

4999.63.

(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~~ *associate*.

(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~~ *associate*.

(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~~ *subparagraph* (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~~ *associate*.

(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~~ *associate*.

(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~~, *associate*, unless otherwise specified.

## **SEC. 46.**

Section 4999.90 of the Business and Professions Code is amended to read:

4999.90.

The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any ~~intern~~ *associate* 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~~, ~~associate clinical social worker~~, ~~or clinical counselor~~ trainee, ~~or applicant~~ 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~~ ~~trainee, associate, or applicant for licensure~~ under one's supervision or control to perform, or permitting the ~~clinical counselor~~ ~~trainee or intern~~ ~~trainee, associate, or applicant for licensure~~ to hold himself or herself out as competent to perform, professional services beyond the ~~clinical counselor~~ ~~trainee's or intern's~~ ~~trainee's, associate's, or applicant's for licensure'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.

#### **SEC. 47.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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**ATTACHMENT B**  
**AB 93: ADDITIONAL SECTIONS TO BE INCLUDED in AB 93**

**AMEND BUSINESS AND PROFESSIONS CODE (BPC) §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, ~~an associate~~ marriage and family therapist ~~registered intern~~ or marriage and family therapist trainee, ~~an intern or an associate professional~~ clinical counselor or professional 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.

**AMEND BPC §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~~applicant 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.

## **AMEND BPC §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 supervised experience that meet the requirements of ~~Section 4980.43~~of this chapter and those specified by the Board in regulation.

(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.

### **AMEND BPC §4980.42. TRAINEES' SERVICES**

(a) Trainees performing services in any work setting specified in ~~subdivision (e) of Section 4980.43~~ 4980.43.4 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.

### **AMEND BPC §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 for licensure 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 for licensure 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.



## **AMEND BPC §4992.05. REQUIRED EXAMINATIONS**

(a) Effective January 1, 2016, a registrant or 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 or an applicant for licensure 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.

## **AMEND BPC §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~~applicant 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.

#### **AMEND BPC §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 for licensure 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.

#### **AMEND §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 applicant for licensure'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 for licensure 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 for licensure 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.

## **AMEND BPC §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~~applicant 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.

## **AMEND HEALTH AND SAFETY CODE (HSC) §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~~ 4996.20 of the Business and Professions Code.

(I) A person registered as ~~a~~ an associate 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 an associate professional 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.



public shall be the highest priority for the Board. If the Board were to determine that some citations and fines would be published and others were not, the Board may appear non-compliant with its consumer protection mandate.

A citation and fine that is issued to a licensee is attached to the licensee's record. A public search of a licensee's record through the BreZE system will reveal if a citation and fine has been issued. The public then has the opportunity to view the citation and fine document, which specifies the cause for the citation, fine assessed (if any), and Order of Abatement.

Citation and fines are listed in the Board's newsletter under "Enforcement Citations" and provide the name of the licensee, overall category of the violation (e.g. unprofessional conduct, unlicensed activity) and the fine amount (if any). A member of the public must conduct a license search through BreZE to view details of the citation and fine. In the Board's newsletter a citation and fine is defined as *"an administrative action used for minor violations. Citations and fines are public information but are not considered to be disciplinary actions."*

Formal disciplinary actions appearing in the Board newsletter are listed under the heading "Administrative Actions". A summary of the formal disciplinary action taken is provided along with the name of the licensee or registrant, their location, and license/registration number. Further, a list of terms and their definition related to the discipline process is provided in every newsletter. Both the citations and fines and formal disciplinary actions appear next to each other in the Board's newsletter.

Another concern expressed is related to the five year time period in which a citation and fine is available on the Board's website. Specifically, if the Board is removing the citation and fine information after five years, are other related publications that include this information, such as the Board's newsletter, also removed? A review of the Board's website reveals that Board newsletters dating back to 1999 remain on the website. Citations and Fines were first published in the Fall 2005 newsletter.

#### April 15, 2016 Policy and Advocacy Committee Discussion

At the April 15, 2016 Policy and Advocacy Committee meeting, Committee members and the public discussed this matter. Some minor modifications, such as revising the titles in the Board newsletter, to be consistent with the definitions of the Board actions in the newsletter would be beneficial.

Specifically, "Enforcement Citations" could be revised to "Administrative Actions". Also, revising "Administrative Actions" to "Formal Disciplinary Actions" and revise the definition to indicate a higher level of discipline would provide further clarification to the public and licensees/respondents. Committee members were advised that these modifications could be done without any formal direction from the Board.

The remaining issue to consider was should the Board establish a policy to specify the removal of newsletters from the Board's website that complies with five year requirement specified in Business and Professions Code section 4990.09. Currently, a



policy does not exist. Adoption of a policy would formally establish a process to remove Board newsletters from its website.

The Policy and Advocacy Committee Members voted to recommend the Board establish a policy to remove the Board's newsletters from its website within a specified period of time and advise the public how they may obtain newsletters once the newsletter is removed from the Board's website.

#### August 19, 2016 Board Meeting

At the August 19, 2016, the Board Members discussed the Policy and Advocacy Committee's recommendation. Board staff indicated that the minor modifications such as the titles were already in effect. The Board Members voted to establish a policy to remove the Board newsletters five years from the date the newsletter was posted on the Board's website.

#### Recommendation

Conduct an open discussion regarding the draft policy to remove the Board newsletters from the Board's website. If the Committee Members determine that the draft policy is acceptable, direct staff to bring the policy to the full board for consideration.

#### Attachment

- a. Draft Policy to Remove Board newsletters from the Board website
- b. Business and Professions Code Section 27
- c. Business and Professions Code Section 4990.09
- d. Business and Professions Code Section 4990.16

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<b>SUBJECT:</b> Retention Schedule for Board Newsletters on the Board Website	<b>POLICY #:</b> B-17-1	<b>DATE APPROVED:</b>
	<b>SUPERSEDES:</b> N/A	<b>PAGE:</b> 2 pages
<b>IMPLEMENTATION DATE:</b> Effective Immediately Upon Board Approval	<b>APPROVED BY:</b>	

The Board of Behavioral Sciences (Board) recognizes its mandate to protect consumers. Consumers rely on the Board to provide accurate and relevant information regarding licensees; such as, licensure information and any disciplinary action taken by the Board against a licensee. The Board publishes all disciplinary actions, including the issuance of a citation and fine, on the Board website and Board newsletter.

**Policy**

It shall be the policy of the Board to retain Board newsletters on the Board website for five years from the date of publication. After which, the Board newsletter will be removed from the website.

For historical purposes, the Board will retain copies of all Board newsletters. Any member of the public seeking a copy of a Board newsletter that is no longer available on the Board website may submit a written request, pursuant to the California Public Records Act, to the Board.

**Background**

Business and Professions Code section 27 (a) specifies the type of information that the Board is required to publish on its website. In addition to displaying a licensee’s or registrant’s information, such as the license/registant’s number and address of record, other information including suspensions revocations and other related enforcement actions (accusations filed) taken by the Board is published on the Board’s website.

Business and Professions Code section 4990.09 further defines the parameters regarding the reporting of citations. Pursuant to this code section, the Board shall

not publish on the Internet the final determination of a citation and fine of \$1500 or less for more than five years from the date of issuance. After five years, the Board must remove the action from its website. Currently, BreEZe removes this information automatically.

In 2015 the Board resumed publishing its newsletter. Within the newsletter, Board disciplinary actions, including citations and fines, are published. The Board publishes its newsletter on its website. Further, the Board does not have a policy or retention schedule in effect that specifies when these newsletters are to be removed from the website. Therefore, information regarding citation and fines will remain available to the public indefinitely.

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## ATTACHMENT B

### §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 regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(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 Marijuana 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.

## ATTACHMENT C

### **§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.

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## **ATTACHMENT D**

### **§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

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www.bbs.ca.gov

**To:** Committee Members

**Date:** January 18, 2017

**From:** Rosanne Helms  
Legislative Analyst

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

**Subject:** Legislative Update

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Board staff is currently pursuing the following legislative proposals:

1. **AB 93 (Medina) Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision**

This bill proposal represents the work of the Board's Supervision Committee. Its amendments focus on strengthening the qualifications of supervisors, supervisor responsibilities, types of supervision that may be provided, and acceptable work settings for supervisees. The bill also strives to make the Board's supervision requirements more consistent across its licensed professions.

This bill proposal was approved by the Board at its November 4, 2016 meeting.

2. **Omnibus Legislation (Senate Business, Professions, and Economic Development Committee) (No Bill Number Assigned at This Time)**

This bill proposal, approved by the Board at its November 4, 2016 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

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**To:** Policy and Advocacy Committee Members      **Date:** January 20, 2017  
**From:** Christy Berger      **Telephone:** (916) 574-7817  
Regulatory Analyst  
**Subject: Status of Rulemaking Proposals**

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<b>CURRENT REGULATORY PROPOSAL</b>
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**English as a Second Language: Additional Examination Time: Add Title 16, CCR Section 1805.2**

This proposal would allow the Board to grant time-and-a-half (1.5x) on a Board-administered examination to an English as a second language (ESL) applicant, if the applicant meets specific criteria demonstrating limited English proficiency.

The final proposal was approved by the Board at its meeting in November 2015. It was published in the California Regulatory Notice Register on January 1, 2016. The 45-day public comment period has ended, and the public hearing was held on February 15, 2016. The proposal is currently under review by the Office of Administrative Law.

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