

Board of Behavioral Sciences

ORDER OF ADOPTION

The Board of Behavioral Sciences of the Department of Consumer Affairs hereby adopts, amends and repeals regulations in Division 18 of Title 16 of the California Code of Regulations, as follows:

Article 1. General Provisions

AMEND § 1807. Human Sexuality Training.

The human sexuality training required of marriage and family therapists, clinical social workers, and professional clinical counselors by ~~Sections~~ sections 25, 4980.41, 4980.81, 4996.2, 4996.17.2, ~~and~~ 4999.32 ~~and~~ 4999.62 of the Code shall do both of the following:

- (a) Consist of a minimum of ten (10) hours of training or coursework.
- (b) Include the study of ~~physiological-psychological~~ physiological, psychological, and social-cultural variables associated with sexual behavior, sexual dysfunctions, sexual orientation, gender identity, sexual behavior or sexual disorders and gender dysphoria.
- (c) ~~Have been completed after January 1, 1970, and shall have been obtained from one of the educational institutions or entities specified herein:~~
 - (1) ~~An educational institution accredited by one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or~~
 - (2) ~~An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~
 - (3) ~~A continuing education provider approved by the board; or~~
 - (4) ~~A course sponsored by a professional association; or~~
 - (5) ~~A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.

Reference: Sections 25, 4980.41, 4980.81, 4980.54, 4996.2, 4996.17.2, 4996.22 and 4999.32, and 4999.62, Business and Professions Code.

AMEND § 1807.2. Child Abuse Assessment and Reporting Training Requirements.

~~In addition to all other requirements for licensure, all~~ All persons applying for a license as a marriage and family therapist, clinical social worker, or professional clinical counselor ~~counselor, or applying for first-time renewal of a license as an educational psychologist~~

psychologist, shall shall, in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and reporting reporting, and shall submit documentation to the board. The coursework or training ~~in child abuse assessment and reporting~~ shall consist of not less than 7-seven (7) classroom hours and shall include training in each of the subject areas described in Section section 28 of the Code. The coursework or training shall be:

~~(a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary Education, pursuant to Sections 94802 and 94887 of the Education Code; or~~

~~(b) Obtained from a statewide professional association representing the professions of psychology, social work or marriage and family therapy; or~~

~~(c) Obtained from or sponsored by a local, county, state or federal governmental entity, or licensed health facility; or~~

~~(d) Obtained from a continuing education provider approved by the board.~~

~~(e) Completed after January 1, 1983 have been completed within the five (5) years prior to the date the board receives the individual's application for licensure or renewal.~~

~~(f) A licensed educational psychologist shall meet the requirements of this section prior to applying for his or her first license renewal on or after January 1, 2012.~~

Note: Authority cited: Sections 28, 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 28, 4980.36, 4980.41, 4980.54, 4980.72, 4980.78, 4980.81, 4989.34, 4996.2, 4996.17.1, 4996.17.2, 4996.22 and 4999.32 and 4999.33, Business and Professions Code; and Sections 11164, 11165 and 11166, Penal Code.

AMEND AND RENUMBER § 4810-1807.3. Alcoholism and Other Chemical Substance Dependency Training.

(a) The instruction and training in alcoholism and other chemical substance dependency required by Sections sections 4980.41, 4980.80, 4980.90, 4996.2, 4996.17 4996.17.2, and 4999.32 of the Code shall consist of not less than fifteen (15) hours of ~~classroom~~ training or coursework and shall include each of the following areas:

- (1) The definition of alcoholism, substance abuse, and other chemical dependency, and the evaluation of the ~~abuser~~ client.
- (2) Medical aspects of alcoholism, substance abuse, and other chemical dependency.
- (3) Current theories of the etiology of substance abuse.
- (4) The role of persons and systems that support or compound the abuse.
- (5) Major treatment approaches to alcoholism, substance abuse, and chemical dependency.
- (6) Legal aspects of substance abuse.

- (7) Knowledge of certain populations at risk with regard to substance abuse.
- (8) Community resources offering assessment, treatment, and follow-up for the abuser client and family.
- (9) The process of referring affected persons.
- (10) ~~Education concerning and prevention~~ Prevention of substance abuse.

(b) ~~For persons subject to Section 4980.41(d) of the Code, the training or coursework shall be:~~

~~(1) Obtained from an educational institution or in an extension course offered by an institution that is either accredited by one or more of the entities specified in Section 1832 of these regulations or is approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code;~~

~~(c) For all others, the training or coursework shall be:~~

- ~~(1) Obtained from the educational institutions identified in subsection (b) (1); or~~
- ~~(2) Obtained from or sponsored by a local, county, state or federal governmental entity; or~~
- ~~(3) Obtained from a licensed health facility; or~~
- ~~(4) Obtained from a continuing education provider approved by the board.~~

~~(b) (d) A licensed educational psychologist that renews applying for a first-time license renewal his or her license on or after January 1, 2012 shall receive have received not less than fifteen (15) hours of instruction and training in alcoholism and other chemical substance dependency as described in subsection (a), that shall include classroom training or coursework in each of the following areas:~~

- ~~(1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.~~
- ~~(2) Medical aspects of alcoholism and other chemical dependency.~~
- ~~(3) Current theories of the etiology of substance abuse.~~
- ~~(4) The role of persons and systems that support or compound the abuse.~~
- ~~(5) Major treatment approaches to alcoholism and chemical dependency.~~
- ~~(6) Legal aspects of substance abuse.~~
- ~~(7) Knowledge of certain populations at risk with regard to substance abuse.~~
- ~~(8) Community resources offering assessment, treatment and follow up for the abuser and family.~~
- ~~(9) The process of referring affected persons.~~
- ~~(10) Education concerning and prevention of substance abuse.~~

~~(e) Training and coursework received pursuant to subsection (d) of this section shall be obtained as provided in subsection (c) of this section.~~

Note: Authority cited: Sections 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 4980.41, 4980.80, 4980.81, 4980.90, 4989.34, 4996.2, 4996.17, 4996.17.2 and 4999.32, Business and Professions Code.

~~REPEAL § 1810.1. California Law and Ethics Training; Acceptable Education Providers.~~

~~The California law and ethics training required of professional clinical counselors and out-of-state marriage and family therapist applicants required by Sections 4980.80 and 4999.32 of the Code shall:~~

- ~~(a) Have been obtained from one of the educational institutions or entities specified herein:~~
- ~~(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,~~
 - ~~(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~
 - ~~(3) A continuing education provider approved by the board; or~~
 - ~~(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

~~Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.80 and 4999.32, Business and Professions Code.~~

~~REPEAL § 1810.2. Crisis or Trauma Counseling Training.~~

~~The crisis or trauma counseling training required by Sections 4999.32 of the Code shall:~~

- ~~(a) Have been obtained from one of the educational institutions or entities specified herein:~~
- ~~(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,~~
 - ~~(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~
 - ~~(3) A continuing education provider approved by the board; or~~
 - ~~(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

~~Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4999.32, Business and Professions Code.~~

ADD § 1810.5. Acceptable Training Providers.

(a) The training courses listed below shall have been obtained from one of the providers listed in subsection (b):

- (1) Human sexuality training required by section 1807.
- (2) Child abuse assessment and reporting training required by section 1807.2.
- (3) Alcoholism and other chemical substance dependency training required by section 1807.3.

(4) California law and ethics training required of out-of-state marriage and family therapist, clinical social worker, and professional clinical counselor applicants required by sections 4980.72, 4980.78, 4980.81, 4996.17.1, 4996.17.2, 4999.60 and 4999.62 of the Code.

(5) Crisis or trauma counseling training required by section 4999.32 of the Code.

(b) The above training courses shall have been obtained from any of the following providers:

(1) An educational institution, including an extension program offered by such an institution, accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

(2) An educational institution, including an extension program offered by such an institution, approved by the Bureau for Private Postsecondary Education.

(3) A continuing education provider accepted by the board pursuant to section 1887.4.3.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.

Reference: Sections 25, 28, 4980.36, 4980.41, 4980.72, 4980.78, 4980.81, 4989.34, 4996.2, 4996.17.1, 4996.17.2, 4999.32, 4999.33, 4999.60 and 4999.62, Business and Professions Code; and Sections 11165 and 11166, Penal Code.

Article 8. Continuing Education Requirements for Marriage and Family Therapists, Licensed Clinical Social Workers, Licensed Educational Psychologists, and Licensed Professional Clinical Counselors.

AMEND § 1887. Definitions.

As used in this article:

(a) A continuing education "course" means a form of systematic learning at least one hour in length. This may include including, but is not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, written, audio, or visual instruction or activities, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location location, that has have been verified and approved by the continuing education provider.

(b) A "provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.

~~(c) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.~~

(c)(d) A "renewal period" means the two-year period that spans from the effective date of the license first day after the license's prior expiration date to the current license expiration date.

~~(d)~~(e) An “approval agency” means an organization recognized by the board that evaluates and approves providers of continuing education, ensures courses offered by its providers meet the board’s continuing education requirements ~~of the board~~, and monitors the quality of each approved continuing education course.

Note: Authority cited: Sections 4980.60, ~~4989.34~~, and ~~4999.76~~ 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.1. Continuing Education Requirements and License Renewal Requirements.

(a) Except as provided in ~~Section~~ section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceeding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in ~~Sections~~ sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under ~~Sections~~ sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.

(c) Individuals who hold dual licensure with the board may apply the same continuing education course to both licenses if the subject matter of the course relates to each license’s scope of practice.

Note: Authority cited: Sections 4980.60, ~~4989.34~~, and ~~4990.20~~ and ~~4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4982, 4989.34, 4989.54, 4992.3, 4996.22, 4999.76 and 4999.90, Business and Professions Code.

AMEND § 1887.2. Exceptions from Temporary Waivers of and Exemptions from Continuing Education Requirements.

~~(a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education prior to his or her first license renewal.~~

~~(b)~~(a) A licensee is exempt from the continuing education requirement if ~~his or her~~ their license is inactive pursuant to ~~Sections~~ sections 4984.8, 4989.44, 4997, or 4999.112 of the Code, or retired pursuant to section 4984.41, 4989.45, 4997.1, or 4999.113 of the Code.

~~(c)~~(b) A licensee may submit a written request for ~~exception~~ a temporary waiver from, ~~or~~

~~reasonable accommodation for, the continuing education requirement, requirement for the licensee's current renewal period, for any of the reasons listed in subsection (c) below. The request shall be on a form entitled "Request for Temporary Continuing Education (CE) Exception Waiver – Licensee Application," Form No. 1800 37A-635 (Rev 03/10 Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by reference reference, for any of the reasons listed below. The request must be submitted to the board in writing at least sixty (60) days prior to the license expiration date. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.~~

~~(c) (4) The board shall grant an exception a temporary waiver of continuing education if the licensee can provide evidence, satisfactory to the board as specified in subsections (d) and (e) below, that one of the following occurred:~~

~~(A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to his or her military service; or~~

~~(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country;~~

~~(1)(2) The board may grant a reasonable accommodation if, for For at least one year during the licensee's previous current license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. that did both of the following:~~

~~(A) Substantially limited one or more life activities as verified by the documentation required in subsection (d), and~~

~~(B) Caused the licensee's earned income, whether earned as an employee, independent contractor, or while self-employed, to drop below the substantial gainful activity amount for non-blind individuals during that year, as set forth by the Social Security Administration per section 404.1574(b)(2) of the Social Security Act.~~

~~(2) For at least one year during the licensee's current license renewal period, the licensee was the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A "total physical or mental disability" means that the family member is both unable to work and unable~~

to perform activities of daily living without substantial assistance, such as eating, bathing, dressing, housework, shopping, or meal preparation.

(d) The licensee's or immediate family member's physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Temporary Continuing Education (CE) Exception Waiver – Verification of Disability or Medical Condition," Form No. 4800 37A-636 (New 03/10 Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by reference. Form No. 37A-636 must include an attached copy of the family member's written authorization for release of their protected health information for the limited purpose of the licensee's request for a temporary waiver of continuing education when the licensee is the family member's primary caregiver.

(e) A licensee shall provide proof of all income earned from work activity during the one-year period of the licensee's disability. If the licensee did not earn any work income, the licensee shall provide proof of receiving disability payments, or provide other evidence demonstrating that the licensee did not earn any income from work activity.

(f) The board will notify the licensee whether or not the waiver is granted within thirty (30) days after the request is received. If the request for waiver is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal, if renewing in an active status. If the request for waiver is approved, it shall be valid for the current renewal period only.

(g) Licensees granted a temporary waiver shall not be exempt from completing the six (6) hours of continuing education in law and ethics required by section 1887.3.

Note: Authority cited: Sections 4980.54, 4980.60, ~~4989.34~~, and 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; and Sections 12926 and 12944, Government Code. Reference: Sections 4980.54, 4984.8, 4984.41, 4989.34, 4989.44, 4989.45, 4996.22, 4997, 4997.1, and 4999.76, 4999.112 and 4999.113, Business and Professions Code; and Sections 12926 and 12944, Government Code.

AMEND § 1887.3. Continuing Education Course Requirements and Credit for Specified Activities.

(a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in ~~Section~~ section 1887.4.0.

~~(b) Marriage and family therapists and clinical social workers who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7)~~

~~hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.~~

- ~~(e)(b)~~ A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of ~~Section~~ section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- ~~(d)(c)~~ Any person renewing ~~his or her~~ a license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement. A course on law and ethics completed by a supervisor in order to fulfill the supervisor training requirement pursuant to Article 3, 4 or 6 shall not be accepted toward meeting the minimum six (6) hours of law and ethics training but shall count toward the 36-hour continuing education requirement.
- ~~(d)~~ A licensee may not claim the same course more than once per license type during a single renewal period for hours of continuing education credit.
- ~~(e)~~ If a licensee teaches a course provided by a board-accepted provider, the licensee may claim credit for the course ~~only one time during a single renewal period~~, receiving the same amount of hours of continuing education credit as a licensee who attended the course. The licensee may only claim the course one time during a single renewal period. A maximum of 18 hours of continuing education may be met by teaching courses during a single renewal period.
- ~~(f)~~ ~~A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.~~
- ~~(g)(f)~~ A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

- (g) A licensee who attends the board a Board of Behavioral Sciences enforcement case review training ~~may~~ shall be awarded credited with up to six (6) hours of continuing education in the renewal cycle ~~in~~ during which the case review training was attended. The continuing education hours earned by attending a board enforcement case review training may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (h) A licensee who acts as a board Board of Behavioral Sciences subject matter expert (SME) for an enforcement case review ~~may~~ shall be awarded credited with six (6) hours of continuing education in the renewal cycle ~~in~~ during which the enforcement case review was performed. The continuing education hours earned by acting as a board enforcement case SME may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (i) A licensee who participates in a board Board of Behavioral Sciences examination development workshop ~~may~~ shall be awarded credited with six (6) hours of continuing education in the renewal cycle ~~in~~ during which the examination development workshop was attended. The continuing education hours earned by participating in a board examination development workshop may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (j) A licensee who completes a Board of Behavioral Sciences occupational analysis survey in full shall be credited with six (6) hours of continuing education for the renewal cycle during which the survey was completed.
- (k) A licensee who participates in a mental health professional organization's law and ethics review committee ~~may~~ shall be awarded credited with up to six (6) hours of continuing education in the renewal cycle ~~in~~ during which the participation occurred. The continuing education earned by participating in a professional organization's law and ethics review committee may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (l) Documentation of completion for the activities specified in subsections (g) through (j) shall consist of a letter or certificate issued by the board. For subsection (k), documentation of completion shall consist of a letter or certificate from the professional organization. Licensees shall maintain records of completed activities for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

Note: Authority cited: Sections 4980.60, 4989.34, and 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

REPEAL § 1887.4. Continuing Education Course Content.

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code. The content of a course shall also be related to direct or indirect patient/client care.~~

~~(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).~~

~~(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).~~

~~(b) A provider shall ensure that a course has specific objectives that are measurable.~~

~~(c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

AMEND § 1887.4.0. Continuing Education Course Content.

(a) Courses shall meet the requirements, relevant to each practice, as set forth in Sections sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(b) The content of the course shall be based upon a methodological, theoretical, research, or practice knowledge base, and;

(1) Be relevant to the profession's scope of practice;

(2) Be supported by evidence-based practice;

(3) Be consistent with the profession's current standards of care;

(4) Be consistent with the profession's ethical, legal, statutory, and regulatory standards;
and,

(5) Do one or both of the following;

~~(1)(A) demonstrate Demonstrate credibility through the involvement of the broader support from mental health practices, current educational standards, and science communities in studying or applying the findings, procedures, practices or theoretical concepts current research; or~~

~~(2)(B) be Be directly related to the profession's ethical, legal, statutory or regulatory policies, guidelines, and standards that impact each respective practice.~~

(c) Each continuing education course shall have both of the following:

(1) A syllabus that contains a general outline of the main points for each topic, one or more written educational goals goals, and specific learning objectives that are measurable and serve as a basis for an evaluation of the effectiveness of the course; and,

~~(2) an evaluation A mechanism that allows each participant to evaluate the continuing education course; course.~~

~~(3) a syllabus that provides a general outline of the course, which shall contain, at a minimum, the learning objectives for each course and a summary containing the main points for each topic; and~~

~~(4) a mechanism that allows all participants to assess their achievement in accordance with the program's learning objectives.~~

Note: Authority cited: Sections ~~4980.60, 4989.34, 4990.20 and 4999.76~~ 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.4.1. Board-Recognized Approval Agencies.

(a) The following are board-recognized approval agencies:

~~(1) National Association of Social Workers (NASW)~~

~~(2) Association of Social Work Boards (ASWB)~~

~~(3) National Board of Certified Counselors (NBCC)~~

~~(4) National Association of School Psychologists (NASP)~~

~~(5) American Psychological Association (APA)~~

~~(6) California Association of Marriage and Family Therapists (CAMFT)~~

~~(7) California Psychological Association (CPA)~~

(1) American Psychological Association (APA)

(2) Association of Social Work Boards (ASWB)

(3) California Association of Marriage and Family Therapists (CAMFT)

(4) California Psychological Association (CPA)

(5) National Association of School Psychologists (NASP)

(6) National Association of Social Workers (NASW)

(7) National Board of Certified Counselors (NBCC)

- (b) The board may recognize another entity as an approval agency if the entity can demonstrate in writing the following:
- (1) The entity is an organization that represents a licensed health care profession.
 - (2) The entity has a documented Code of Ethics.
 - (3) The entity has documented procedures for maintaining a continuing education approval program, including, but not limited to:
 - (A) Maintaining and managing records and data related to continuing education programs.
 - (B) Monitoring and approving continuing education providers and courses.
 - (4) The entity has policies to avoid a conflict of interest between any provider and approval functions.
 - (5) The entity has the capacity to evaluate courses to ensure compliance with ~~Section~~ section 1887.4.0.
- (c) Upon written confirmation from the board that the entity has been recognized, the entity may advertise that it has been recognized by the board.
- (d) Failure of the entity to substantially comply with the provisions as set forth in ~~Section~~ section 1887.4.2 shall constitute cause for revocation of recognition by the board.

Note: Authority cited: Sections 4980.60, ~~4989.34~~, and 4990.20 and ~~4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.4.2. Approval Agency Responsibilities.

- ~~(a)~~ Each board-recognized approval agency shall:
- ~~(1)~~(a) Evaluate each continuing education provider seeking approval in accordance with the requirements of ~~Section~~ section 1887.4.3.
 - ~~(2)~~(b) Maintain a list of the names and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person shall be reported to the approval agency within 15 days of the effective date of the change.
 - ~~(3)~~(c) Provide the board with the name, address and responsible party of each provider upon request.
 - ~~(4)~~(d) Respond to complaints from the board, providers, or licensees concerning activities of

any of its approved providers or their courses.

~~(5)(e)~~ Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the board and, upon request, report the findings of such reviews to the board.

~~(6)(f)~~ Ensure that the continuing education coursework offered by its providers meets the continuing education requirements of the board.

~~(7)(g)~~ Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

Note: Authority cited: Sections ~~4980.60, 4989.34, 4990.20 and 4999.76~~ 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.4.3. Acceptable Continuing Education Provider Providers and Responsibilities.

(a) A continuing education provider shall be either one of the following:

- (1) ~~an~~ An accredited or approved postsecondary institution that meets the requirements set forth in ~~Sections~~ sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code;
- (2) ~~a~~ A board-recognized approval agency or a continuing education provider that has been approved or registered by a board-recognized approval agency for continuing education; or
- (3) ~~an organization, institution,~~ A professional association, ~~or other entity~~ that is recognized by the board as a continuing education provider. The following ~~organizations~~ professional associations are recognized by the board as continuing education providers:

~~(A) American Association for Marriage and Family Therapy (AAMFT)~~

~~(B) American Association for Marriage and Family Therapy-California Division (AAMFT-CA)~~

~~(C) California Association for Licensed Professional Clinical Counselors (CALPCC)~~

~~(D) California Association of Marriage and Family Therapists (CAMFT)~~

~~(E) National Association of Social Workers-California Chapter (NASW-CA)~~

~~(F) California Society for Clinical Social Work (CSCSW)~~

~~(G) California Association of School Psychologists (CASP)~~

~~(H) California Psychological Association (CPA)~~

~~(I) California Counseling Association (CCA)~~

~~(J) American Counseling Association (ACA)~~

(A) American Association for Marriage and Family Therapy (AAMFT)

- (B) American Counseling Association (ACA)
- (C) California Association for Licensed Professional Clinical Counselors (CALPCC)
- (D) California Association of Marriage and Family Therapists (CAMFT)
- (E) California Association of School Psychologists (CASP)
- (F) California Counseling Association (CCA)
- (G) California Psychological Association (CPA)
- (H) California Society for Clinical Social Work (CSCSW)
- (I) National Association of Social Workers-California Chapter (NASW-CA)

- (b) Each provider shall ensure that each continuing education course complies with the requirements of ~~Section~~ section 1887.4.0.
- (c) Each provider shall furnish each licensee a record of course completion as defined in ~~Section~~ section 1887.11.0.
- (d) Each provider shall maintain records of completion of their continuing education courses for four (4) years as defined in ~~Section~~ section 1887.12(b). Credit hours awarded shall be in compliance with ~~Section~~ section 1887.5.
- (e) Each provider shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.
- (f) No provider shall discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.
- (g) No provider shall promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.
- (h) Each provider must be able to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency, or professional association.
- (i) Each provider must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.
- (j) When a provider works with another party on the development, distribution, and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (k) Each provider is responsible for meeting all applicable local, state and federal standards, including the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2008).

- (l) Each provider shall submit all documents related to an audit of course material to the approval agency or the board upon written request.

Note: Authority cited: Sections 4980.60, 4989.34, and 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

REPEAL § 1887.7. Board-Approved Providers.

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

- ~~(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.~~
- ~~(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800-37A-633, Rev. 1/11), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.~~
- ~~(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.~~
- ~~(d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.~~
- ~~(e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.~~
- ~~(f) Board-approved provider numbers are non-transferable.~~
- ~~(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

REPEAL § 1887.8. Revocation and Denial of Board-Approved Provider Status.

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:~~

~~(1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;~~

~~(2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or~~

~~(3) a provider makes a material misrepresentation of fact in information submitted to the board.~~

~~(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.~~

~~The continuing education appeals committee shall contain three board members, one public member and two members representing two of the four license types regulated by the board. The decision of the continuing education appeals committee is final.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

REPEAL § 1887.9. Course Advertisements.

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~A provider shall ensure that information publicizing a continuing education course is accurate~~

and includes the following:

- (a) the provider's name;
- (b) the provider number, if a board-approved provider;
- (c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LPCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";
- (d) the provider's policy on refunds in cases of non-attendance by the registrant; and
- (e) a clear, concise description of the course content and objectives.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

REPEAL § 1887.10. Course Instructor Qualifications.

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

- (a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:
 - (1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;
 - (2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;
 - (3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or
 - (4) at least two years' experience in an area related to the subject matter of the course.
- (b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

REPEAL § 1887.11. Records of Course Completion.

~~This section shall be applicable only to continuing education providers who hold an active board issued continuing education provider number.~~

~~Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:~~

- ~~(a) name of licensee and license number or other identification number;~~
- ~~(b) course title;~~
- ~~(c) provider name and address;~~
- ~~(d) provider number, if a board approved provider;~~
- ~~(e) date of course;~~
- ~~(f) number of hours of continuing education credit; and~~
- ~~(g) signature of course instructor, provider, or provider designee.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

AMEND § 1887.11.0. Records of Course Completion.

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of letter verifying attendance, certificates certificate, gradeslips grade slip, transcripts transcript) containing the following information:

- (a) Name of licensee and license number or other identification number;
- (b) Course title;
- (c) Provider name and address;
- (d) Board-recognized approval agency name, or a statement that the provider is an entity recognized by the board to provide continuing education pursuant to ~~Section~~ section 1887.4.3;
- (e) Date of course;
- (f) Number of hours of continuing education credit; and
- (g) Signature of course instructor, provider, or provider designee.

Note: Authority cited: Sections ~~4980.60, 4989.34, 4990.20 and 4999.76~~ 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

REPEAL § 1887.15. Transition Period for Continuing Education Program.

- (a) ~~An entity wishing to become recognized by the board as an approval agency may submit documentation demonstrating compliance with Section 1887.4.1 to the board beginning January 1, 2015.~~
- (b) ~~Effective January 1, 2015, the board will cease accepting applications for board-approved continuing education providers.~~
- (c) ~~Effective July 1, 2015, all board-approved continuing education provider numbers will no longer be renewed.~~
- (d) ~~Notwithstanding any other provision of this Article, board-approved continuing education provider numbers with an expiration date of July 1, 2015, or later are not eligible for renewal.~~
- (e) ~~Notwithstanding any other provision of this Article, each board-approved continuing education provider may continue to provide continuing education coursework until the expiration of their continuing education provider number.~~
- (f) ~~Board licensees may be credited with continuing education credits from a board-approved continuing education provider if all of the following criteria are satisfied:~~
 - (1) ~~The board-approved continuing education provider's board-issued provider number was not expired at the time that the course was taken; and~~
 - (2) ~~The continuing education course satisfied the course requirements set forth in Section 1887.4 and the instructor requirements set forth in Section 1887.10, as applicable to continuing education providers who hold an active board-issued continuing education provider number.~~

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.