Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200, Sacramento, CA 95834
(916) 574-7830 | TDD (916) 322-1700
www.bbs.ca.gov

Governor Edmund G. Brown Jr.
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

Board Meeting Notice and Agenda
February 21-22, 2018

Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., #S-102
Sacramento, CA 95834

While the Board intends to webcast this meeting, it may not be possible to webcast the entire meeting due to technical difficulties or limitations on resources. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location.

AGENDA

Wednesday, February 21, 2018
8:30 a.m.

I. Call to Order and Establishment of Quorum

II. Petition for Early Termination of Probation for Alejandro Barela, ASW 67503

III. Petition for Early Termination of Probation for Eric F. Ontiveros, LCSW 73802

IV. Petition for Modification of Probation for Judy V. Brevaire, LMFT 32458

V. Petition for Reinstatement of Registration for Keith M. Lederhaus, ASW 34492

VI. Petition for Reinstatement of Registration for Corey G. Nash, ASW 3480

VII. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 1125.7(a)]

VIII. Suggestions for Future Agenda Items

CLOSED SESSION

IX. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters, Including the Above Petitions.

X. Pursuant to Section 11126(a)(1) of the Government Code, the Board Will Meet in Closed Session to Evaluate the Performance of the Executive Officer.

RECONVENE IN OPEN SESSION

XI. Recess Until 8:30 a.m. on Thursday, February 22, 2018

AGENDA

Thursday, February 22, 2018
8:30 a.m.

XII. Call to Order, Establishment of Quorum, and Introductions*

CLOSED SESSION

XIII. Pursuant to Section 11126 (c)(1) of the Government Code, the Board Will Meet in Closed Session for Discussion Regarding the Clinical Examination for Marriage and Family Therapists.

RECONVENE IN OPEN SESSION

XIV. Consent Calendar

a. Approval of the August 18-19, 2016 Board Meeting Minutes
b. Approval of the October 19, 2017 Board Meeting Minutes

XV. Board Chair Report

a. Board Member Activities
b. Recognition of Board of Behavioral Sciences' Staff Members' Years of Service

XVI. Executive Officer's Report

a. Budget Report
b. Operations Report
c. Personnel Report
d. Strategic Plan Update

XVII. Exempt Committee Update

XVIII. License Portability Committee Update

XIX. Presentation, Discussion, and Possible Action Regarding an Alternative Option to License Surrender in Disciplinary Cases Involving Neuro-Cognitive Degenerative Disorders – Dr. Steven Frankel

XX. Policy and Advocacy Committee Recommendations

a. Discussion and Possible Action Regarding Revisions to Assembly Bill 93 (Medina) Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision

b. Discussion and Possible Action Regarding Proposed Revisions to Business and Professions Code sections 337 and 728

c. Discussion and Possible Action Regarding Required Degree Program Content for Licensed Professional Clinical Counselors – Assessment and Diagnosis

XXI. Status on Board-Sponsored Legislation

a. Licensing Process Bill: Proposed Revisions to Business and Professions Code sections 4980.72, 4984.01, 4996.17, 4996.28, 4999.60, 4999.100

b. Omnibus Bill – Proposed Technical and Non-Substantive Amendments to Business and Professions Code sections 27, 650.4, 865, 2290.5, 4980.37, 4980.39, 4980.41, 4980.72, 4980.78, 4980.79, 4990.30, 4992, 4996.17, 4999.14, 4999.22, 4999.32, 4999.48, 4999.60, 4999.62, 4999.63, 4999.100, and Family Code section 6924

c. AB 93 (Medina): Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision

XXII. Status of Board Rulemaking Proposals

a. Enforcement Process: Amend Title 16, California Code of Regulations sections 1823, 1845, 1858, 1881, 1886.40, 1888 and Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

b. Application Processing Times and Registrant Advertising: Amend Title 16, California Code of Regulations, sections 1805.1 and 1811

c. Contact Information; Application Requirements; Incapacitated Supervisors: Amend Title 16, California Code of Regulations, sections 1804, 1805 and 1820.7; Add section 1815.8

XXIII. Suggestions for Future Agenda Items

XXIV. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 1125.7(a)]

XXV. Adjournment

**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.

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.

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200, Sacramento, CA 95834
(916) 574-7830, (800) 326-2297 TTY, (916) 574-8625 Fax
www.bbs.ca.gov

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

BOARD MEETING MINUTES - *DRAFT*
August 18-19, 2016

Department of Consumers Affairs
Hearing Room, 1st Floor
1625 North Market Blvd.
Sacramento, CA 95834

Thursday, August 18th

Members Present
Deborah Brown, Chair, Public Member
Patricia Lock-Dawson, Vice Chair, Public Member
Dr. Leah Brew, LPCC Member
Betty Connolly, Public Member
Dr. Peter Chiu, Public Member
Massimiliano "Max" Disposti, Public Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Members Absent
Samara Ashley, Public Member
Dr. Scott Bowling, Public Member
Sarita Kohli, LMFT Member

Staff Present
Kim Madsen, Executive Officer
Steve Sodergren, Assistant Executive Officer
Angelique Scott, Legal Counsel
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Guests
See sign-in sheet

FULL BOARD OPEN SESSION

Deborah Brown, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 1:05 p.m. Christina Kitamura called roll, and a quorum was established.

Administrative Law Judge Marcie Larson presided over the hearings.

I. Petition for Modification of Probation for Alejandro Barela, ASW 67503

Judge Larson opened the hearing at 1:08 p.m. Deputy Attorney General Kristina Jarvis presented the facts of the case on behalf of the People of California. Mr. Barela represented himself.

Ms. Jarvis presented the background of Mr. Barela's probation. Mr. Barela was sworn in. He presented his request for modification of probation and information to support the request. Mr. Barela answered questions posed by Ms. Jarvis and Board Members.

Judge Larson closed the hearing at 1:50 p.m.

II. Petition for Early Termination of Probation for Traci D. Bianchi Templin, IMF 80402

Judge Larson opened the hearing at 1:55 p.m. Deputy Attorney General Kristina Jarvis presented the facts of the case on behalf of the People of California. Ms. Bianchi Templin represented herself.

Ms. Jarvis presented the background of Ms. Bianchi Templin's probation. Ms. Bianchi Templin presented her request for modification of probation and information to support the request. Ms. Bianchi Templin was sworn in. She presented her request for modification of probation and information to support the request. Ms. Bianchi Templin answered questions posed by Ms. Jarvis and Board Members.

Ms. Bianchi Templin called upon witnesses Tracy Moore and Darlene Davis.

Judge Larson closed the hearing at 2:43 p.m. The Board took a break at 2:43 p.m. and reconvened at 2:57 p.m.

Ms. Lock-Dawson did not return to the meeting (2:52 p.m.)

III. Public Comment for Items not on the Agenda

No public comments were presented.

IV. Suggestions for Future Agenda Items

Dr. Christine Wietlisbach requested a discussion on retaining legal counsel exclusive to the Board of Behavioral Sciences.

Ms. Brown announced that the Board will not reopen the webcast for adjournment of today's meeting.

The Board entered closed session at 2:59 p.m.

FULL BOARD CLOSED SESSION

V. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters, Including the Above Petitions, and Any Other Matters. The Board will also, Pursuant to Section (a)(1) of the Government Code, Meet in Closed Session to Evaluate the Performance of the Executive Officer.

FULL BOARD RECONVENED IN OPEN SESSION

The Board reconvened in open session at 5:30 p.m. Ms. Brown announced that there was an error on the agenda. The Board did not discuss the Executive Officer's Evaluation in closed session as noted on the agenda.

VI. Adjournment

The Board adjourned at 5:31 p.m.

Friday, August 19th

The Board took several items out-of-order; however, minutes are written in the order of the agenda.

Members Present
Deborah Brown, Chair, Public Member
Patricia Lock-Dawson, Vice Chair, Public Member
Dr. Leah Brew, LPCC Member
Betty Connolly, Public Member
Dr. Peter Chiu, Public Member
Massimiliano "Max" Disposti, Public Member
Sarita Kohli, LMFT Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Members Absent
Samara Ashley, Public Member
Dr. Scott Bowling, Public Member

Staff Present
Kim Madsen, Executive Officer
Steve Sodergren, Assistant Executive Officer
Rosanne Helms, Legislative Analyst
Christy Berger, Regulatory Analyst
Angelique Scott, Legal Counsel
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Guests
See sign-in sheet

FULL BOARD OPEN SESSION

Deborah Brown called the meeting to order at 8:36 a.m. Christina Kitamura called roll. A quorum was established.

VII. Introductions

Board Members, Board staff, and public attendees introduced themselves.

VIII. Consent Approval of the May 12-13, 2016 Board Meeting Minutes

This item was deferred.

IX. Consent Approval of the August 2, 2016 Board Meeting Minutes

Patricia Lock-Dawson moved to approve the August 2, 2016 Board Meeting minutes. Christina Wong seconded. The Board voted unanimously to pass the motion.

Board vote:
Karen Pines - yes
Max Disposti – yes
Dr. Leah Brew – yes
Dr. Christine Wietlisbach – yes
Renee Lonner – yes
Deborah Brown – yes
Patricia Lock-Dawson – yes
Betty Connolly yes
Christina Wong - yes
Dr. Peter Chiu - yes
Sarita Kohli - yes

X. Chair Report

a. Announcement of the Policy and Advocacy Committee Members

Deborah Brown thanked Renee Lonner and Dr. Christine Wietlisbach for their dedication to the Policy and Advocacy Committee (Committee). Ms. Brown announced the Committee members effective immediately: Christina Wong (Committee Chair), Dr. Scott Bowling, Samara Ashley, and Deborah Brown.

b. Board Member Activities

There were no activities to present.

c. Procedures for Discussions During Board Meeting

Ms. Brown outlined procedures for Board Meetings.

<u>Draft Meeting Minutes</u>
When necessary, discussion regarding content will be discussed during meetings. Typographical or grammatical edits will not be outlined during meetings. Ms. Brown requested that edits should be forwarded to Ms. Kitamura.

<u>Board Member Discussion</u>
Raise hands to speak, and speak clearly into the microphone.

d. Recognition of Board Staff for Years of Service

Ms. Brown recognized Joanna Huynh (5 years), Flora Lopes (5 years), David Jones (5 years), Ellen Villegas (5 years), Marsha Gove (10 years), and Michelle Eernisse-Villanueva (10 years).

XI. Executive Officer's Report

a. Budget Report

<u>2015/2016 Budget</u>

- The Board's budget was $10,351.00.
- Expenditures total to date is $10,193,944, which is 98% of the Board's budget.

- The Board collected $9,097,141.08 in total revenue.

The final figures for 2015/2016 are not available yet. Current Board projections indicate that the Board's expenditures may exceed $100,000. The Board is working with the DCA Budget Office to ensure the Board does not exceed its expenditure authority. The Board anticipates a small reversion for fiscal year (FY) 2015/2016.

Fund Condition

The fund condition for 2015/2016 reflects a 5-month reserve as of April 2016.

2016/2017 Budget

The Board's FY 2016/2017 budget is projected to be $12,679,000. This figure includes the additional 8.5 staff positions, and the Board's share of cost ($123,000) for two budget change proposals sought by the Department of Justice, Attorney General's Office (AG). These proposals seek to add additional staff resources in the AG Licensing Section and implement the AG reporting requirements pursuant to SB 467.

Additionally, the Board's budget includes increased expenditure authority for the Board's examination vendor contract. This increased authority allows examination candidates to continue to schedule their examinations without disruption. The Board's examination vendor contract was based upon the previous examination structure. Under the new examination process, the examination vendor contract was insufficient to accommodate the increased number of candidates in the examination process.

As of April 2016, the Board's fund condition for FY 2016/2017 projects 11.6 months in reserve and reflects General Fund loan repayments in the amount of $6.3 million.

b. Operations Report

Licensing Program, 4th Quarter

Application volumes increased. The increase is attributed to new applications for registration as an intern/associate due to graduation, as well as the ongoing and increasing number of Law and Ethics Examination applications. Application processing times remain at 30 days or less.

The Board issued 995 new licenses. The Board has over 106,000 licensees and registrants, which is an increase of 4,000 from the previous report.

Examination Program, 4th Quarter

- 5,486 examinations were administered. Of this number, 4,006 were Law and Ethics examinations.
- 753 candidates participated in the Association of Social Work Board (ASWB) national examination.
- Eleven examination development workshops were conducted from April to June.

Administration Program, 4th Quarter

- 10,451 applications were received; 43% increase since last quarter (not including renewal applications)
- Online renewal activity decreased 26% since last quarter.

Enforcement Program, 4th Quarter

- 270 consumer complaints received
- 232 criminal convictions
- 482 cases were closed
- 20 cases were referred to the AG's office for formal discipline
- 27 Accusations and 2 Statement of Issues were filed
- 39 final citations
- Average number of days to complete Formal Discipline was 828 days

Continuing Education Audits

In January 2016, the Board resumed auditing licensees for compliance with the continuing education requirements. From January to June, a total of 217 licensees were randomly selected for the audit. A total of 76 licensees failed the audit (25%).

c. Personnel Report (page 20)

New Employees/Promotions

- Sasha Addison, Office Technician (OT), Enforcement Unit
- Samuel Hall, OT, Enforcement Unit
- Valerie Enloe, Management Services Technician (MST), Licensing Unit
- Julie Ruprecht, MST, Licensing Unit
- Kaitlin Martin, MST, Examination Unit

Departures

- Relena Amaro, Examination Unit, accepted a promotional position with the Department of Public Health
- Melissa Lara, Enforcement Unit, accepted a promotional position with the Board of Registered Nursing

Vacancies

- 2 Office Assistant positions received in the FY 2016/2017 Budget Change Proposal (BCP) for the Administration Unit. Interviews to be conducted this month.
- 1 OT position in the Cashiering Unit. Interviews to be conducted this month.
- 1 OT position in the Enforcement Unit
- 1 OT position received in the FY 2016/2017 BCP for the Administration Unit
- 1 OT limited-term position in the Cashiering Unit. A tentative offer has been extended to the selected candidate.
- 1 MST position received in the FY 2016/2017 BCP for the Examination Unit. Applications are currently under review.
- 1 MST position received in the FY 2016/2017 BCP for the Licensing Unit. An offer has been made to the selected candidate.
- 1 Staff Services Analyst (SSA) position in the Examination Unit. Request to fill this vacancy to be submitted this month.
- 1 SSA position in the Enforcement Unit. Recruitment to begin in September. Recruitment to begin in September.

XII. Strategic Plan Update

Licensing, Goal 1.4: The Supervision Committee held its last meeting on August 18th to discuss draft language for the LMFTs, LCSWs, and LPCCs. Draft language will be presented to the full Board in November.

Licensing, Goal 1.5: Telehealth regulations became effective July 1, 2016.

Outreach and Education, Goal 6.3: Ms. Madsen met with OSHPD in June to discuss collaboration to promote awareness of educational loan repayment opportunities.

XIII. Supervision Committee Update

The Supervision Committee held its final meeting on August 18th. Staff anticipates that the law changes proposed by the Supervision Committee will be considered by the Policy and Advocacy Committee on September 30th and presented to the full Board for consideration at the November 2016 meeting. Staff would run legislation and regulations during 2017 in order to begin implementing the proposed changes.

The informal decisions made by the committee have been incorporated into an initial draft of proposed language which addresses the following:

- Makes supervision provisions consistent among the professions.
- Allows supervision of students performing psychotherapy to satisfy the supervisor two-year experience requirement.
- Strengthens provisions related to monitoring and evaluating the supervisee, including the Supervisory Plan form and Supervisor Responsibility Statement form.
- Addresses supervisors being reachable while supervisee is providing services.
- Requires an initial supervisor training of 15 hours for all professions.
- Requires six (6) hours of continuing professional development for supervisors every two years.
- Requires supervisors to notify the Board that they are supervising.
- Requires new and existing supervisors to perform a self-assessment of qualifications to supervise. Supervisors would submit the self-assessment to the Board, and provide a copy to each supervisee along with the supervision brochure. The Board would add a modifier to the licensee's status on Breeze to indicate that he or she is a supervisor.
- Provides the Board with the authority to audit supervisors.
- Requires the supervisor to ensure that the amount of group supervision is appropriate to each supervisee's needs.
- Allows triadic supervision in place of individual supervision.
- Requires applicants who have completed their experience hours to continue receiving one hour of supervision per week, per work setting.

The proposed language does not include the following provision as staff plans to run it as a separate regulatory proposal: Parameters for acceptable documentation when a supervisor is deceased or incapacitated and an Experience Verification form had not yet been signed.

The Board took a break at 9:50 a.m. and reconvened at 10:06 a.m.

XIV. Examination Restructure Update

Staff is continuing their work on transitioning to the new exam requirements. Operationally the transition is nearly complete. Exam candidate information is now being transmitted to exam vendors daily. Staff has identified gaps in application processing and continuing to ensure that electronic files are updated so that candidates are not adversely affected. Currently, staff is concentrating its efforts for ASWB clinical exam applicants to ensure that all electronic files for exam candidates that are eligible have been sent to ASWB.

Beginning July 1st all registrants are required to have taken the Law & Ethics exam to renew. Up to this date, there was a grace period in place for registrants whose registration expired on or before June 30, 2016. While the Board has worked towards informing registrants of this new requirement, there are still some registrants that are unaware of this requirement. To minimize the impact of this requirement, the Board has dedicated extra resources to processing Law & Ethics applications as well as added system enhancements that allow for quicker processing of renewals.

With the new changes there has been an increase in workload in application processing as well as customer inquiries. Staff has been working diligently to keep the processing times down.

XV. Discussion and Possible Action Regarding Proposed Revisions to the BBS Logo

Cesar Altamirano from the Department of Consumer Affairs Publication Unit presented graphic samples of new BBS logos. Board Members provided input on the logos. Board Members suggested that the graphic should reflect a holistic, diverse "feel" and avoid images that could relate to stigmas.

Kim Madsen suggested exploring a new BBS logo during Strategic Planning meetings. These meetings are anticipated to take place during the summer of 2017. The Board agreed.

XVI. Discussion and Possible Action Regarding Establishing a Board Policy to Remove Board Newsletters from the Board Website After 5 Years

Business and Professions Code (BPC) §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, other information including suspensions, revocations and other related enforcement actions taken by the Board is published on the website.

BPC §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 is designed to perform this function automatically.

In 2015, the Board resumed publishing its newsletter. Board disciplinary actions, including citations and fines, are published in the newsletters. Concerns emerged related to publishing citations and fines of less than $1,500 on the Board's website and in the Board's newsletter. A citation and fine may be issued for minor violations with a fine less than $1,500. This raises the question whether these names should appear on the Board's website. Although the Board defines a citation and fine as an administrative action, listing formal disciplinary action under the title "Administrative Actions" in the Board newsletter may be confusing.

The Policy and Advocacy Committee (Committee) discussed this matter and recommended minor modifications, such as revising the titles in the Board newsletter to be consistent with the definitions of the Board actions in the newsletter. These modifications could be done without any formal direction from the Board.

The Board is asked to consider establishing a policy to specify the removal of newsletters from the Board's website that complies with the five-year requirements specified in BPC §4990.09.

The Committee 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 they are removed from the Board's website.

Renee Lonner moved to establish a policy to remove the Board's newsletters from its website after 5 years. Dr. Peter Chiu seconded. The Board voted unanimously to pass the motion.

Board vote:
Karen Pines - yes
Max Disposti – yes
Dr. Leah Brew – yes
Dr. Christine Wietlisbach – yes
Renee Lonner – yes
Deborah Brown – yes
Patricia Lock-Dawson – yes
Betty Connolly yes
Christina Wong - yes
Dr. Peter Chiu - yes
Sarita Kohli - yes

XVII. Discussion and Possible Action Regarding the Addition of Taking and Passing the Law and Ethics Examination as a Probation Term

At its May meeting, the Board suggested that in lieu of requiring probationers to take a Law and Ethics course as a condition of probation, the probationer could take and pass the Law and Ethic examination.

The Board's October 2015 Disciplinary Guidelines specify "take and pass licensure examination(s) as a probation condition for the following violations.

- Sexual Misconduct (Anything other than as defined in B&P Section 729)
- Intentionally/Recklessly Causing Physical or Emotional Harm to Client
- Gross Negligence/Incompetence
- Conviction of a Crime Substantially Related to Duties, Qualifications, and Functions of a Licensee/Registrant
- Commission of Dishonest, Corrupt, or Fraudulent Act Substantially Related to Qualifications, Duties, and Functions of License
- Performing, Representing Able to Perform, Offering to Perform, Permitting Trainee or Intern to Perform Beyond Scope of License/Competence
- Discipline by Another State or Governmental Agency
- Misrepresentation of License/Qualifications (if violation warrants this condition)
- Failure to Maintain Confidentiality

For other violations, an "Education Course" is listed. Depending on the violation, the Board may order a Law and Ethics course. The Board may require a full semester course or specify the number of hours to be completed. If the number of hours is specified, typically, the course is completed through a continuing education provider.

The current Disciplinary Guidelines were written prior to the Examination Restructure. The probation term "take and pass the licensure examination(s)" is reflective of the examination process prior to the Examination Restructure.

The Examination Restructure did not change the number of examinations required for licensure. It created the Law and Ethics examination for LMFTs, LCSWs, and LPCCs and added the use of the national examinations for two professions.

Under the existing Disciplinary Guidelines, the "take and pass the licensure examination(s)" term presents an increase cost to probationers who would now be required to take the national exam in addition to the Law and Ethics exam.

Further, requiring a California probationer to take a national examination to satisfy a probation term may not be appropriate since the content of the examination assesses an individual's competency to enter the profession nationwide and does not include state-specific practices.

Determining a probation term involves consideration of the type and egregiousness of violation(s) and if the public was harmed. In some situations, it may be appropriate to require a probationer to take and pass the licensure examinations. In other situations, it may be appropriate to require the probationer to take and pass the Law and Ethics examination in lieu of a course. However, the current Disciplinary Guidelines do not specify the option to order a probationer to take and pass the Law and Ethics examination.

Dr. Leah Brew moved to direct staff to draft a proposal that identifies the violations for the addition of taking and passing the Law and Ethics Examination as a probation term. Dr. Peter Chui seconded. The Board voted unanimously to pass the motion.

Board vote:
Karen Pines - yes
Max Disposti – yes
Dr. Leah Brew – yes
Dr. Christine Wietlisbach – yes
Renee Lonner – yes
Deborah Brown – yes
Patricia Lock-Dawson – yes
Betty Connolly yes
Christina Wong - yes
Dr. Peter Chiu - yes
Sarita Kohli - yes

XVIII. Discussion and Possible Action Regarding Section 100 Rulemaking Proposal to Make Non-Substantive Changes to California Code of Regulations, Title 16, Division 18

California Code of Regulations (CCR) Title 1, §100 allows an agency to add to, revise or delete regulatory text without following the specified rulemaking procedures if the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of a CCR rights provision. Due to past statutory changes, technical and non-substantive amendments to current regulations are needed.

Proposed Changes

1. Authority and Reference Citations: Update and correct "authority" and "reference" citations for consistency with current statutes.

2. Continuing Education (CE):

   - Update and repeal regulations pertaining to Board-approved CE providers. The Board's program that issued approvals for CE providers ceased on July 1, 2015 and was replaced by regulations that instead recognize "approval agencies" specified in 16 CCR §1887.4.1, as well as the Board-recognized CE providers specified in 16 CCR §1887.4.3.
   - Correct statutory citations that are outdated due to the passage of legislation.
   - Change the term "CE Exception" to "CE Waiver" to more accurately convey that the CE may be waived only for the current renewal period, and not for a future renewal period. It is common for applicants to mistakenly believe that an approval means they are "exempt" from future CE requirements.
   - Technical and grammatical changes to forms required for requesting a waiver of CE as follows:
     - To more accurately convey the actual regulatory requirements
     - To update the "Notice of Collection of Personal Information" to reflect current laws protecting privacy and personal information.
     - To remove the applicant's social security number box, as it is not necessary
     - To remove duplicative form instructions
     - To remove an outdated item on the "Request for CE Waiver – Licensee Application", under Part 2, question 3. It is no longer necessary to request to complete all CE hours via self-study, as this is now permitted for all licensees.

3. LPCC Grandparenting: Repeal regulations pertaining to the LPCC grandparenting program. Per Business and Professions Code (BPC) §4999.54, the grandparenting application deadline was December 31, 2011, and the Board has completed evaluating all applications received under this program.

4. Examination Restructure: Repeal regulations pertaining to outdated examinations and delete language specifying the implementation date of January 1, 2016.

5. Technical and Grammatical Changes

Patricia Lock-Dawson moved to using the term "temporary exception" in place of "waiver" in the proposed regulation changes to continuing education, accept all other proposed changes, direct staff to make any non-substantive changes to the amendments and submit a regulation package. Sarita Kohli seconded. The Board voted unanimously to pass the motion.

Board vote:
Karen Pines - yes
Max Disposti – yes
Dr. Leah Brew – yes
Dr. Christine Wietlisbach – yes

Renee Lonner – yes
Deborah Brown – yes
Patricia Lock-Dawson – yes
Betty Connolly - yes
Christina Wong - yes
Dr. Peter Chiu - yes
Sarita Kohli - yes

XIX. Status of Board-sponsored Legislation and Update on Other Legislation Affecting the Board; Possible Action

AB 2191, the Board's Sunset Bill
This bill was amended to make minor, non-substantive changes. The bill is on its third reading in the Senate.

AB 2199: Sexual Offenses Against Minors: Persons in a Position of Authority
This bill died.

SB 1034: Health Care Coverage: Autism
This bill has been amended since the last Board meeting. Instead of deleting the sunset date, it now sets it at January 1, 2022, and other technical changes were made to the proposed language

AB 1715: Healing Arts: Behavioral Analysis: Licensing
This bill died.

SB 1101: Alcohol and Drug Counselors: Regulation
This bill died.

SB 1155: Professions and Vocations: Licensees: Military Service
This bill died.

SB 1195: Professions and Vocations: Board Actions: Competitive Impact
This bill died.

a. Assembly Bill 1917 (Obernolte) Educational Requirements for Marriage and Family Therapists and Professional Clinical Counselor Applicants

This bill was signed by the Governor.

b. Senate Bill 1478 (Senate Business, Professions, and Economic Development Committee) Omnibus Bill

This bill is on third reading in the Assembly. Staff expects additional amendments requested by the Board, as well as double-joining language to resolve conflicts with AB 1917, will be made before the end of the legislative session.

c. Proposed Legislation in Response to *North Carolina State Board of Dental Examiners v. Federal Trade Commission* Supreme Court Decision; SB 1194, SB 1195 or Similar Bill

Although SB 1195 has died, DCA has provided language for a revised version of that bill that may be introduced prior to the end of this year's legislative session. The language is very similar to what has already been considered, but there are some key differences.

This bill:

1. Requires the director of DCA, on his own initiative, or upon request by a board or the Legislature, to review any board action to determine if it is a market-sensitive action.

2. Only allows review of an action that has taken place in the past 60 days. The review process also does not apply to any action taken by a board prior to January 1, 2017.

3. Defines the term "action" to mean non-ministerial formal actions voted on by a board and non-ministerial informal decisions made by staff as a result of explicit or implied delegated authority to act on behalf of the board.

4. Defines "market-sensitive actions" as those actions that create barriers to market participation and restrict competition, including the following:

    a. Exam passage scores;

    b. Advertising restrictions;

    c. Price regulation;

    d. Enlarging or restricting scope of practice qualifications for licensure; and

    e. A pattern or program of disciplinary actions affecting multiple individuals that creates barriers to market participation.

5. Defines "clearly articulated and affirmatively expressed state policy" to mean Federal statute and regulations, California state law and regulations, department policies, and executive orders.

6. If the director finds an action is market-sensitive, then he or she has 90 days from receiving the request or initiating review to determine if the market-sensitive action furthers a clearly articulated and affirmatively expressed state policy.

7. Requires the director to notify the board of the review and whether the review resulted from a specific member of the legislature, a specific organization, or a member of the public. The Board must post the director's notification on its website.

8. Requires that while the director is reviewing the action, the board must cease implementation of that action until the review is finalized.

9. At completion of the review, requires the director to take one of the following actions:

    a. Approve the action if determined that it furthers a clearly articulated and affirmatively expressed state policy; or

    b. Disapprove the action if it does not further a clearly articulated and affirmatively expressed state policy.

10. Requires the director to issue and post on DCA's web site a final written decision on the board action.

11. Requires the director to review all proposed regulations, final rulemaking records, and relevant facts.

12. Requires that if the director disapproves a regulation because it does not further a clearly articulated or affirmatively expressed state policy, that the disapproval shall be in writing.

13. Prohibits a board from overriding the director's disapproval of a regulation that was disapproved because it does not further a clearly articulated and affirmatively expressed state policy.

14. Requires a public entity to pay for a judgment or settlement for treble damage antitrust awards against a member of a regulatory board for an act or omission occurring within the scope of his or her official capacity as a board member.

Christina Wong moved to support the text as is, and if there are changes to the bill, then to bring back to the Board unless they are non-substantive changes. Dr. Leah Brew seconded. The Board voted unanimously to pass the motion.

Board vote:
Karen Pines - yes
Max Disposti – yes
Dr. Leah Brew – yes
Dr. Christine Wietlisbach – yes
Renee Lonner – yes
Deborah Brown – yes
Patricia Lock-Dawson – yes
Betty Connolly yes
Christina Wong - yes
Dr. Peter Chiu - yes
Sarita Kohli - yes

XX. Status of Board Rulemaking Proposals

Standards of Practice for Telehealth
These regulations took effect July 1, 2016.

English as a Second Language: Additional Examination Time
These regulations were approved by DCA, and is currently at agency for review.

XXI. 2017 Board Meeting Dates

Ms. Madsen presented an amended list of the 2017 meeting dates. The amended date is Policy and Advocacy Committee from June 3, 2017 to June 23, 2017.

Jeffrey Liebert, American Association for Marriage and Family Therapy (AAMFT), noted a conflict on a committee meeting date with the AAMFT national conference date.

XXII. Suggestions for Future Agenda Items

Rebecca Gonzalez, National Association of Social Workers - California Chapter, requested that the Board clearly outline its evaluation process regarding applicants who have criminal

records, and the amount of time it may take to process when there are delays in obtaining police reports and other documentation.

XXIII. Public Comment for Items Not on the Agenda

Ms. Madsen and the Board presented the Board's legal counsel, Dianne Dobbs, with a Resolution. Ms. Angelique Scott has been appointed as the Board's new legal counsel.

XXIV. Adjournment

The meeting adjourned at 12:14 p.m.

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200, Sacramento, CA 95834
(916) 574-7830, (800) 326-2297 TTY, (916) 574-8625 Fax
www.bbs.ca.gov

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

DRAFT BOARD MEETING MINUTES
October 19, 2017

Department of Consumer Affairs
Emerald Room
1747 North Market Blvd.
Sacramento, CA 95835

Members Present
Deborah Brown, Chair, Public Member
Betty Connolly, Vice Chair, LEP Member
Samara Ashley, Public Member
Dr. Leah Brew, LPCC Member
Dr. Peter Chiu, Public Member
Massimiliano "Max" Disposti, Public Member
Sarita Kohli, LMFT Member
Jonathan Maddox, LMFT Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Members Absent
Renee Lonner, LCSW Member

Staff Present
Kim Madsen, Executive Officer
Steve Sodergren, Assistant Executive Officer
Gina Bayless, Examinations/Cashiering Manager
Paula Gershon, Licensing Manager
Marc Mason, Administrative Manager
Marlon McManus, Enforcement Manager
Pearl Yu, Enforcement Manager
Christina Kitamura, Administrative Analyst

Guests
Christopher Castrillo, DCA Deputy Director, Board and Bureau Services
Craig Lomax

FULL BOARD OPEN SESSION

I. Call to Order and Establishment of Quorum

Deborah Brown, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:42 a.m. Christina Kitamura called roll, and a quorum was established.

Ms. Brown took Item IV, Public Comment for Items not on the Agenda, out-of-order. Item IV was taken after roll call.

II. Strategic Planning Session

The Board engaged in a work session to establish its Strategic Plan.

III. Discussion and Possible Action Regarding Proposed Revisions to the Board of Behavioral Sciences Logo

Max Disposti moved to change the Board's current logo. Dr. Peter Chiu seconded. The Board voted to pass the motion.

Board vote:

Deborah Brown – yes
Max Disposti – yes
Dr. Peter Chiu – yes
Sarita Kohli – yes
Betty Connolly – no
Dr. Christine Wietlisbach – no
Dr. Leah Brew – no
Samara Ashley – yes
Christina Wong – yes
Jonathan Maddox - yes

The Board Members were presented with two logos, and were asked to share their preference. The Board Members agreed to allow Board staff to choose the logo.

Ms. Madsen announced that on October 18th, Board staff voted on their logo preference. The following logo was preferred by staff, and is now the official BBS logo.

BBS
Board of Behavioral Sciences

IV. Public Comment for Items not on the Agenda

This item was heard after Item I, and re-opened as necessary to take public comment.

Kim Madsen received a written public comment from Victor Ojakian, and presented the email to the Board. The Board was provided documentation submitted by Mr. Ojakian.

Public comment was closed after the reading of Mr. Ojakian's email. No other public comments were presented.

At 1:42 p.m., this item was re-opened to hear from Christopher Castrillo, DCA's newly appointed Deputy Director of Board and Bureau Relations. Mr. Castrillo introduced himself and gave a summary of his professional background. He also informed the Board of new executive staff joining DCA:

- Assistant Deputy Directors Patrick Lee and Karen Nelson, joining DCA on October 30th
- Chief Deputy Director Chris Schultz, joining DCA in November
- Chief Deputy Director of Administration Natalie Daniel, joining DCA on November 7th

No other comments were presented, and the item was closed. The Board resumed its work on the Strategic Plan.

At 2:53 p.m., this item was re-opened to hear public comment from Craig Lomax.

Mr. Lomax commented on suicide prevention and AB 89, which would require licensed psychologists to take 6 continuing education (CE) units in suicide prevention. Mr. Lomas requested that the Board pursue similar legislation that would require its licensees to complete CE units in suicide prevention.

No further public comments were presented, and the item was closed. The Board resumed its work on the Strategic Plan.

V. Suggestions for Future Agenda Items

No suggestions were made.

VI. Adjournment

The meeting was adjourned at 4:17 p.m.

Blank Page

2017/2018 Budget

The Board's budget for Fiscal Year (FY) 2017/2018 is $11,657,00. On July 1, 2017, the Department of Consumer Affairs (DCA) transitioned to a new accounting system, FI$Cal. FI$Cal is a single financial management system that will allow the state to combine accounting, budgeting, cash management, and procurement operations. Unfortunately, due to this transition there is a delay in receiving our expenditure and revenue reports.

The chart below provides a breakdown of expense categories and percentages based upon the information available to the Board. The figures below reflect a combination of the Board's internal tracking and information available from the DCA Budget Office.

Expense Category	Amount	Percentage
Personnel	$2,492,267	21%
OE&E	$2,068,964	18%
Enforcement	$967,972	8%
Minor Equipment *Includes LPCC exp*	$20,062	0%
Total Expenses	**$5,549,265**	**48%**

General Fund Loans

The Board's Fund Condition report also reflects a $3 million dollar loan repayment in fiscal year 2017/2018. The remaining $3.3 million is scheduled for repayment in FY 2018/2019.

Board Fund Condition

The Board's Fund Condition for FY 2017/2018 reflects a 5.4 month reserve.

Board Budget

A review of the Board's Fund Condition indicates that in FY 2020/2021, the Board will have a negative balance in its fund condition. Although the Board has been able to revert monies for numerous fiscal years, the Board's budget is structurally imbalanced. Absent any action to correct the imbalance, the Board will be operating at a deficit.

Therefore, the Board will initiate the process to obtain an independent fee audit of the Board's fee structure to determine the costs to deliver services. The results of the audit will be reported at a future meeting.

Blank Page

BBS EXPENDITURE REPORT FY 2017/2018

OBJECT DESCRIPTION	FY 2016/17 ACTUAL EXPENDITURES	FY 2017/2018 BUDGET ALLOCATION	CURRENT AS OF 12/30/2017	UNENCUMBERED BALANCE
PERSONAL SERVICES				
Salary & Wages (Civ Svc Perm)	2,864,112	3,059,000	1,452,662	1,606,338
Salary & Wages (Stat Exempt)	103,365	91,000	54,144	36,856
Temp Help (907)(Seasonals)	69,498	0	103,072	(103,072)
Temp Help (915)(Proctors)	0	0	0	0
Board Memb (Per Diem)	15,700	13,000	4,800	8,200
Overtime	3,708	2,000	1,055	945
Totals Staff Benefits	1,678,785	1,848,000	876,534	971,466
TOTALS, PERSONAL SERVICES	**4,735,168**	**5,013,000**	**2,492,267**	**2,520,733**
OPERATING EXP & EQUIP				
Fingerprint Reports	13,240	15,000	814	14,186
General Expense	72,279	63,000	39,990	23,010
Printing	**84,553**	**25,000**	**1,166**	23,834
Communication	11,512	16,000	171	15,829
Insurance	58	0	0	0
Postage	**42,101**	**69,000**	**1,135**	67,865
Travel, In State	**113,196**	**59,000**	**27,873**	31,127
Travel, Out-of-State	0	72,000	526	71,474
Training	**3,144**	**27,000**	**2,064**	24,936
Facilities Operations	240,626	228,000	144,199	83,801
Utilities	0	4,000	0	4,000
C&P Services - Interdept.	0	15,000	0	15,000
C&P Services-External Contracts	**23,498**	**272,000**	**17,843**	254,157
DEPARTMENTAL PRORATA				
DP Billing (424.03)	1,428,381	1,670,000	835,000	835,000
Indirect Distribution Costs (427)	750,084	828,000	414,000	414,000
Public Affairs (427.34)	92,454	50,000	25,000	25,000
D of I Prorata (427.30)	20,238	22,000	11,000	11,000
Consumer Relations Division (427.35)	3,923	49,000	24,500	24,500
OPP Support Services (427.01)	0	1,000	500	500
Interagency Services (OPES IACs)	231,140	325,000	165,612	159,388
Consolidated Data Services (428)	10	28,000	0	28,000
Information Technology (431)	4,095	14,000	1,028	12,972
Statewide Pro Rata (438)	0	0	0	0
EXAM EXPENSES				0
Exam Site Rental (Fairfield Inn)(343.20)	0	100,000	33,554	66,446
Exam Contract (PSI) (404.00)	651,208	359,000	322,989	36,011
C/P Svs - Expert Examiners (404.01)	0	45,000	0	45,000
C/P Svs - External Subj Matter (404.03)	257,200	365,000	0	365,000
ENFORCEMENT				
Attorney General	1,274,123	939,000	564,178	374,822
Office of Admin. Hearing	216,656	240,000	84,180	155,820
Court Reporters	10,745	95,000	7,996	87,004
Evidence/Witness Fees	28,075	15,000	17,118	(2,118)
Division of Investigation	371,795	589,000	294,500	294,500
Minor Equipment (226)	**64,746**	**7,000**	**12,329**	(5,329)
Equipment, Replacement (452)	**0**	**19,000**	**0**	19,000
Equipment, Additional (472)	**0**	**0**	**7,733**	(7,733)
Vehicle Operations	**0**	**19,000**	**0**	19,000
TOTAL, OE&E	**6,009,080**	**6,644,000**	**3,056,998**	**3,587,002**
TOTAL EXPENDITURES	**$10,744,248**	**$11,657,000**	**$5,549,265**	**$6,107,735**

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

0773 - Behavioral Science
Analysis of Fund Condition

(Dollars in Thousands)

Prepared 1/29/18

2018-19 Governor's Budget

	ACTUAL 2016-17	CY 2017-18	Governor's Budget BY 2018-19	BY+1 2019-20	BY+2 2020-21
BEGINNING BALANCE	$ 7,691	$ 5,647	$ 5,605	$ 4,804	$ 1,529
Prior Year Adjustment	$ 61	$ -	$ -	$ -	$ -
Adjusted Beginning Balance	$ 7,752	$ 5,647	$ 5,605	$ 4,804	$ 1,529
REVENUES AND TRANSFERS					
Revenues:					
4129200 Other regulatory fees	$ 181	$ 176	$ 182	$ 182	$ 182
4129400 Other regulatory licenses and permits	$ 4,345	$ 3,770	$ 2,900	$ 2,900	$ 2,900
4127400 Renewal fees	$ 5,161	$ 5,213	$ 5,265	$ 5,265	$ 5,265
4121200 Delinquent fees	$ 99	$ 100	$ 100	$ 100	$ 100
4163000 Income from surplus money investments	$ 53	$ 9	$ 6	$ 5	$ -
4171500 Escheat of unclaimed property	$ 1	$ -	$ -	$ -	$ -
4171400 Escheat of unclaimed checks and warrants	$ 3	$ -	$ -	$ -	$ -
4172500 Miscellaneous revenues	$ 5	$ 4	$ 4	$ 4	$ 4
Totals, Revenues	$ 9,848	$ 9,272	$ 8,457	$ 8,456	$ 8,451
Transfers from Other Funds					
F00001 GF loan repayment per item 1110-011-0773 BA of 2008	$ -	$ 3,000	$ -	$ -	$ -
F00001 GF loan repayment per item 1110-011-0773 BA of 2011	$ -	$ -	$ 3,300	$ -	$ -
Totals, Revenues and Transfers	$ 9,848	$ 12,272	$ 11,757	$ 8,456	$ 8,451
Totals, Resources	$ 17,600	$ 17,919	$ 17,362	$ 13,260	$ 9,980
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	$ 11,452	$ 11,607	$ 11,500	$ 11,730	$ 11,965
8880 Financial Information System for California (State Operations)	$ 13	$ 15	$ 1	$ 1	$ 1
9892 Supplemental Pension Payment (State Operations)	$ -	$ -	$ 100	$ 100	$ 100
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	$ 488	$ 692	$ 957	$ 957	$ 957
Total Disbursements	$ 11,953	$ 12,314	$ 12,558	$ 11,731	$ 13,023
FUND BALANCE					
Reserve for economic uncertainties	$ 5,647	$ 5,605	$ 4,804	$ 1,529	$ -3,043
Months in Reserve	5.5	5.4	4.9	1.4	-2.8

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR IN BY+1 AND ON-GOING.

C. ASSUMES INTEREST RATE AT 0.3%.

Board Statistics

Attached for your review are the quarterly performance statistics for the second quarter of FY 2017/2018.

Licensing Program

Overall, application volumes decreased 38% in the second quarter of FY 2017/2018.

Application Volumes

Application Type	2nd Quarter 10/1/17-12/31/17	1st Quarter 7/1/17-9/30/17	Difference
AMFT Registration	610	1145	-47%
LMFT Examination	665	752	-12%
ASW Registration	426	1181	-64%
LCSW Examination	537	504	7%
LEP Examination	28	33	-15%
APCC Registration	175	375	-53%
LPCC Examination	49	43	14%
Total Applications	**2490**	**4033**	**-38%**

During the second quarter the Board's processing times increased slightly.

Days to Process Application

License Type	2nd Quarter 10/1/17-12/31/17	1st Quarter 71/17-9/30/17	Difference
AMFT Registration	18 days	17 days	+1 day
LMFT Examination	53 days	50 days	+3 days
ASW Registration	15 days	14 days	+1 day
LCSW Examination	47 days	42 days	+5 days
LEP Examination	12 days	12 days	0
LPCC Registration	21 days	29 days	-8 days
LPCC Examination	17 days	21 days	-3 days

A total of 1,649 initial licenses were issued in the second quarter. As of January 30, 2018, the Board has 111,270 licensees and registrants. This figure includes all licenses that have been issued that are current and/or eligible to renew.

LICENSE POPULATION (As of 1/30/2018)				
License Type	**Active**	**Current In-Active**	**Delinquent**	**Total Population**
Registrants				
AMFT	13,769	N/A	4,972	18,741
ASW	11,395	N/A	4,474	15,869
APCC	2,154	N/A	1,042	3,196
Total Registrant	27,318	N/A	10,488	37,806
Licensees				
LMFT	35,846	4,613	2,425	42,884
LCSW	22,921	2,605	1,373	26,899
LEP	1,317	441	279	2,037
LPCC	1,481	111	52	1,644
Total Licensee	61,565	7,770	4,129	73,464
Total Population	88,883	7,770	14,617	**111,270**

Examination Program

Attached for your review are the examination statistics by school. A total 5,060^ examinations were administered in the second quarter.

	2nd Qtr				**1st Qtr**			
	10/1/2017-12/31/2017				**7/1/2017-9/30/2017**			
	Total Exams	**Pass %**	**First time**	**Pass %**	**Total Exams**	**Pass %**	**First time**	**Pass %**
LMFT L/E*	1350	69%	765	73%	1880	74%	1209	73%
LMFT Clinical*	1223	59%	763	65%	1271	58%	888	61%
LCSW L/E*	1207	69%	724	72%	1729	80%	1160	81%
LCSW ASWB	901	66%	702	76%	808	69%	675	75%
LPCC L/E*	257	66%	189	66%	277	68%	215	68%
LPCC NCMHCE	55	75%	46	74%	50	80%	45	82%
LEP*	29	52%	21	57%	44	41%	28	57%

^Total includes paper/pencil exams **Board developed examination*

Eight examination development workshops were conducted from October 1, 2017 to December 31, 2017.

The LPCC occupational analysis is underway. The occupational analysis survey was sent out to approximately 1496 licensed LPCC's and the workshop is scheduled for March 14-15, 2018. The LMFT occupational analysis is scheduled to begin in November 2018.

Examination staff recently completed the contract process to secure lodging for Subject Matter Experts attending examination development workshops. The new contract becomes effective July 1, 2018.
The Examination Manager and Executive Officer recently met with PSI representatives and OPES staff to discuss concerns related to the administration of the Board's examinations. The discussion identified several opportunities to improve communications and service to Board candidates. As a result, the Examination Manager and PSI representatives will communicate directly with each other. Previously, Board staff relied on an OPES liaison to resolve candidate concerns. This direct line of communication affords the Board the opportunity to partner with PSI to develop consistency in the information provided to our examination candidates as well as resolve candidates concerns quickly.

Administration Program

The Board received 7,645 applications in the second quarter, a 27% decrease since last quarter. This figure does not include renewal applications. The chart below reflects the total renewal activity for the first quarter.

RENEWAL ACTIVITY		
	Number of Renewals	**Percentage**
DCA Processed	5,832	47%
BBS Processed	287	2%
Online Renewal	6,232	50%
Total	12,351	

On January 1, 2018, the Board launched its new website. The new website is designed to allow users to efficiently locate information specific to their inquiry.

On February 5, 2018, the revisions to the Board's phone system were implemented. The new system includes a que for callers wishing to wait to speak to Board staff, provides the Board call statistics, active/live call monitoring, and other increased functionality that will assist the Board in improving customer service.

Enforcement Program

During the second quarter, the Enforcement staff received 281 consumer complaints and 305 criminal convictions. A total of 492 cases were closed and 67 cases were referred to the Attorney General's office for formal discipline. 28 Accusations and 9 Statement of Issues were filed this quarter. The number of final citations for the first quarter is 34.

The average number of days to complete Formal Discipline in the second quarter was 694 days. The year to date average is 682 days. This statistic is measured from the date the Board receives the complaint to the date the discipline becomes effective. The average number of days the case is with the Attorney General's Office in the second quarter was 456. The year to

date average is 452 days. This statistic is measured from the date the Board refers the matter to the Attorney General's to the date the case is complete. The average number of days to complete all Board investigations in the second quarter was 107 days. The year to date average is 137 days.

Continuing Education Audits

Below are the results for the July – December 2017 audit. The Board has audited a total of 1,013 licensees.

January – August 2017 Audit Results

License	# of audits	Pass	Fail	% of pass	% of fail
LCSW	366	266	100	73%	27%
LEP	42	17	25	40%	60%
LMFT	570	421	149	74%	26%
LPCC	35	30	5	86%	14%
Grand Total	1,013	734	279	72%	28%

The top reasons a licensee failed the Continuing Education Audit during this period are as follows.

- Failure to complete the required coursework within the renewal period (e.g. law and ethics)
- First time renewals did not complete the HIV/AIDS course
- Completing continuing education courses from unapproved providers.

All licensees who fail the Continuing Education Audit are referred to the Board's Enforcement Unit for issuance of a citation and fine.

Outreach Activity

Board staff either physically attended the following events or participated via a phone conference.

October 2017

October 3-4, 2017	AMFTRB Annual Conference – Atlanta, GA
October 5, 2017	CASP Fall Convention – Orange County
October 20-21, 2017	NASW Conference – San Mateo, CA
October 27-28, 2017	CAMFT Fall Symposium – Anaheim, CA

November 2017

November 15, 2017	Orange County MFT Consortium Meeting
November 15-18, 2017	ASWB Annual Delegate Meeting – Atlanta, GA

December 2017

December 1, 2017	Los Angeles MFT Consortium Meeting
December 4, 2017	Central Coast MFT Consortium Meeting
December 7, 2017	Inland Empire MFT Consortium Meeting
December 8, 2017	Central Valley MFT Consortium Meeting

Board Office Move Update

The process to submit a bid proposal to remodel the Board's new office space is complete. A contractor has been selected. Recently, Board Executive Management met with the contractor, DCA and DGS representatives to review the work order. A final work order with the identified changes will be received in February. At that time, the Board will have a more accurate figure as to the total cost of the remodel. Currently, the Board has monies set aside specifically for this project.

The new suite will include separate file rooms for licensing and enforcement files; a larger breakroom for staff; a larger reception area with a computer available for online renewals; a dedicated mail area; a larger cashiering room; a small conference room for unit meetings; a separate employee entrance; a locked IT storage room; LED lighting throughout the space; a small quiet room; and sufficient space for future growth. Additionally, each staff work area will include a sit/stand option.

Based on the time line to obtain the necessary permits and approvals, it appears that the move into the new suite will occur in the Fall.

Blank Page

QUARTERLY STATISTICAL REPORT FY 2017-2018

This report provides statistical information relating to various aspects of the Board's business processes. Statistics are grouped by unit.

CASHIERING

Renewals Processed In-House	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	150	108	118	108	112	67							**663**
Closed	183	129	97	162	163	147							**881**

Renewals Processed By DCA Central Cashiering	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	2065	2417	2157	2296	1874	1662							**12471**
Closed	2679	2336	2338	2187	2109	1866							**13515**

Online Transactions	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Online Renewals	2487	2529	2312	2360	2104	1768							**13560**
Online Cert Reorder	137	177	136	173	121	116							**860**
Address Changes	713	881	715	711	610	602							**4232**
TOTAL	3337	3587	3163	3244	2835	2486							**18652**

Application Payments Processed In-House**	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	3761	2832	3102	2902	2663	2080							**17340**
Closed	3649	2755	2854	3513	2794	2665							**18230**

***These totals represent all other applications and do not include renewal applications*

LICENSING

The Board's Licensing Unit evaluates applications for registration and examination eligibility. This involves verifying educational and experience qualifications to ensure they meet requirements defined in statute and regulation.

LMFT Law & Ethics Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	358	281	275	253	235	225							**1627**
Approved	309	366	225	365	178	287							**1730**
LCSW Law & Ethics Applications	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	317	266	206	222	186	176							**1373**
Approved	276	302	245	261	160	206							**1450**
LPCC Law & Ethics Applications	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	77	35	83	79	46	48							**368**
Approved	79	80	59	105	55	52							**430**

TOTAL Law & Ethics Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	752	582	564	554	467	449							**3368**
Approved	664	748	529	731	393	545							**3610**

LMFT Licensure & Exam Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	300	206	246	225	222	218							**1417**
Approved	207	303	222	237	290	302							**1561**
Process Time	43	49	57	59	56	45							**52**
LCSW Licensure & Exam Applications	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	165	152	187	184	191	162							**1041**
Approved	172	205	184	181	155	153							**1050**
Process Time	42	42	41	42	47	51							**44**
LPCC Licensure & Exam Applications	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	18	12	13	18	20	11							**92**
Approved	15	32	12	19	11	22							**111**
Process Time	22	19	22	22	16	14							**19**
LEP Examination Eligibility Applications	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	14	9	10	12	11	5							**61**
Approved	15	15	9	13	6	0							**58**
Process Time	10	10	16	13	11	11							**12**

TOTAL Licensure & Exam Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	497	379	456	439	444	396							**2611**
Approved	409	555	427	450	462	477							**2780**
Avg. Process Time	29	30	34	34	33	30							**32**

AMFT Regisration Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	450	377	318	277	190	143							**1755**
Approved	333	404	320	287	315	176							**1835**
Process Time	14	17	20	20	20	15							**18**
ASW Registration Applications	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	534	374	273	192	128	106							**1607**
Approved	689	557	243	252	156	181							**2078**
Process Time	15	15	11	19	15	12							**15**
APCC Registration Applications	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	164	119	92	78	57	40							**550**
Approved	71	162	143	83	99	46							**604**
Process Time	24	34	29	24	25	14							**25**

TOTAL Registration Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	1148	870	683	547	375	289							**3912**
Approved	1093	1123	706	622	570	403							**4517**
Avg. Process Time	18	22	20	21	20	14							**20**

EXAMINATION

The Board's Examination Unit processes complaints and performs other administrative functions relating to the Board's examination processes.

Examinations Administered	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
LCSW L&E	659	606	506	460	381	386							**2998**
LMFT L&E	676	660	538	495	442	412							**3223**
LPCC L&E	96	94	88	93	85	79							**535**
TOTAL L & E	1431	1360	1132	1048	908	877							**6756**
ASWB Clinical	236	292	305	278	292	349							**1752**
LMFT Clinical	503	385	385	384	446	394							**2497**
LPCC NCMHCE	15	13	21	15	24	16							**104**
LEP	20	12	13	12	13	4							**74**
Total Exams Administered	**2205**	**2062**	**1856**	**1737**	**1683**	**1640**							**11183**
Examination Workshops	**3**	**4**	**5**	**3**	**3**	**2**							**20**

Initial Licenses Issued	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
LMFT	229	219	214	353	200	272							**1487**
LCSW	157	162	243	247	213	285							**1307**
LEP	5	6	6	10	2	7							**36**
LPCC	10	16	19	15	25	20							**105**
TOTAL	**401**	**403**	**482**	**625**	**440**	**584**							**2935**

ENFORCEMENT

The Board's Enforcement Unit investigates consumer complaints and reviews prior and subsequent arrest reports for registrants and licensees. The pending total is a snapshot of all pending items at the close of a quarter.

Complaints *(Complaint Intake*)*	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	80	112	111	124	81	76							584
Closed without Assignment for Investigation	25	34	36	21	29	33							178
Assigned for Investigation	68	70	90	91	67	60							446
Average Days to Close or Assigned for Investigation	11	5	6	5	12	8							8
Intake Pending	19	27	14	34	22	13							129

Convictions/Arrest Reports	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Received	120	107	78	121	101	83							610
Closed / Assigned for Investigation	0	0	0	0	0	0							0
Assigned for Investigation	123	104	87	121	96	88							619
Average Days to Close	1	2	4	2	2	2							2
Intake Pending	1	4	2	4	1	1							13

Complaint Intake * Complaints Received by the Program

INVESTIGATION*

Desk Investigation	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Assigned	225	192	189	219	182	158							1165
Closed	214	201	242	174	183	123							1137
Average Days to Close	72	85	64	57	80	78							73
Pending	359	369	321	355	350	389							
Field Investigation (Non-Sworn)	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Assigned	9	6	2	7	5	7							36
Closed	3	2	6	9	3	0							23
Average Days to Close	78	124	82	126	104	0							86
Pending	21	24	21	19	20	28							
Field Investigation (Sworn)	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
Assigned	1	1	2	0	1	0							5
Closed	2	2	0	0	0	1							5
Average Days to Close	566	352	0	0	0	194							185
Pending	8	7	9	9	10	9							
All Investigations	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
First Assignments	234	198	191	226	187	165							1201
Closed	217	203	248	183	186	123							1160
Average Days to Close	239	187	73	92	92	136							137
Pending	380	393	342	374	370	417							

Investigations **

Complaints investigated by the program whether by desk investigation or by field investigation.
Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.
If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.
If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.

Enforcement Actions	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**YTD**
AG Cases Initiated	12	17	28	28	19	20							124
AG Cases Pending	176	184	192	197	212	213							
SOIs Filed	1	2	5	5	3	1							17
Accusations Filed	2	8	7	14	8	6							45
Proposed/Default Decisions Adopted	6	3	3	3	2	3							20
Stipulations Adopted	10	17	4	7	6	3							47
Disciplinary Orders	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	18	26	12	19	17	8							100
AG Cycle Time	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	**Average**
AG Transmittal	827	632	549	665	591	825							682
Post AG Transmittal	534	414	393	476	364	528							452
Citations	**17-Jul**	**17-Aug**	**17-Sep**	**17-Oct**	**17-Nov**	**17-Dec**	**18-Jan**	**18-Feb**	**18-Mar**	**18-Apr**	**18-May**	**18-Jun**	
Final Citations	20	23	35	31	1	2							112
Average Days to Complete****	48	63	27	27	276	294							88

Disciplinary Orders Average Days to Complete *
Measured by the date the complaint is received to the date the order became effective.
Citations **
Measured by the date the complaint is received to the date the citation was issued.
AG Transmittal
Average number of days to complete the Enforcement Process for cases investigated and transmitted to the AG for formal discipline within the referenced period.
Post AG Transmittal
The average number of days from the date the case is transmitted to the AG to the date of the case outcome or formal discipline effective date.

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LCSW (ASWB)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	**Code**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**
Azusa Pacific University, Azusa	103	11	6	55%	5	45%	9	5	56%	4	44%
California State University, Bakersfield	002	19	10	53%	9	47%	11	7	64%	4	36%
California State University, Chico	003	17	12	71%	5	29%	11	11	100%	0	0%
California State University, Dominguez Hills	004	27	18	67%	9	33%	17	14	82%	3	18%
California State University, Fresno	005	19	12	63%	7	37%	15	11	73%	4	27%
California State University, Fullerton	006	8	8	100%	0	0%	8	8	100%	0	0%
California State University, Hayward	007	32	23	72%	9	28%	24	21	88%	3	13%
California State University, Long Beach	008	100	56	56%	44	44%	76	50	66%	26	34%
California State University, Los Angeles	009	46	28	61%	18	39%	36	26	72%	10	28%
California State University, Northridge	010	36	33	92%	3	8%	30	28	93%	2	7%
California State University, Sacramento	011	50	29	58%	21	42%	35	26	74%	9	26%
California State University, San Bernardino	012	23	15	65%	8	35%	18	14	78%	4	22%
California State University, Stanislaus	013	25	14	56%	11	44%	18	13	72%	5	28%
Humboldt State University, Arcata	014	7	6	86%	1	14%	7	6	86%	1	14%
Loma Linda University, Orinda	125	15	7	47%	8	53%	7	5	71%	2	29%
OUT-OF-COUNTRY	400	12	3	25%	9	75%	6	3	50%	3	50%
Out-of-State	300	121	89	74%	32	26%	107	85	79%	22	21%
San Diego State University	015	31	29	94%	2	6%	29	27	93%	2	7%
San Francisco State University	016	29	13	45%	16	55%	22	11	50%	11	50%
San Jose State University	017	59	33	56%	27	44%	43	26	60%	17	40%
UC, Los Angeles	052	23	18	78%	5	22%	21	18	86%	3	14%
University of Southern California, Los Angeles	145	190	137	72%	53	28%	152	122	80%	30	20%
Exam: LCSWCE Total:		901	599	66%	302	34%	702	537	76%	165	24%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LCSW (Law and Ethics)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	**Code**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**
Azusa Pacific University, Azusa	103	11	9	82%	2	18%	5	4	80%	1	20%
California State University, Bakersfield	002	30	21	70%	9	30%	15	10	67%	5	33%
California State University, Chico	003	28	21	75%	7	25%	12	8	67%	4	33%
California State University, Dominguez Hills	004	22	9	41%	13	59%	12	5	42%	7	58%
California State University, Fresno	005	25	15	60%	10	40%	11	6	55%	5	45%
California State University, Fullerton	006	25	18	72%	7	28%	17	13	76%	4	24%
California State University, Hayward	007	54	31	57%	23	43%	38	22	58%	16	42%
California State University, Long Beach	008	85	57	67%	28	33%	49	36	73%	13	27%
California State University, Los Angeles	009	44	30	68%	14	32%	21	15	71%	6	29%
California State University, Northridge	010	44	35	80%	9	20%	24	22	92%	2	8%
California State University, Sacramento	011	49	34	69%	15	31%	30	23	77%	7	23%
California State University, San Bernardino	012	33	26	79%	7	21%	16	12	75%	4	25%
California State University, Stanislaus	013	30	17	57%	13	43%	12	7	58%	5	42%
Humboldt State University, Arcata	014	14	10	71%	4	29%	8	6	75%	2	25%
Loma Linda University, Orinda	125	13	6	46%	7	54%	5	4	80%	1	20%
Monterey Bay State University	018	5	2	40%	3	60%	4	2	50%	2	50%
OUT-OF-COUNTRY	400	18	6	33%	12	67%	6	2	33%	4	67%
Out-of-State	300	255	174	68%	81	32%	179	130	73%	49	27%
San Diego State University	015	37	34	92%	3	8%	26	24	92%	2	8%
San Francisco State University	016	26	16	62%	10	38%	10	5	50%	5	50%
San Jose State University	017	49	27	55%	22	45%	25	13	52%	12	48%
San Marcos University	019	6	5	83%	1	17%	6	5	83%	1	17%
UC, Los Angeles	052	28	23	82%	5	18%	16	14	88%	2	13%
University of Southern California, Los Angeles	145	276	203	74%	73	26%	177	130	73%	47	27%
Exam: LCSW L+E Total:		1,207	829	69%	378	31%	724	518	72%	206	28%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LMFT (Clinical Exam)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	Code	Taking Exam	Passed	Pass Percent	Failed	Failed Percent	Taking Exam	Passed	Pass Percent	Failed	Failed Percent
Alliant International University (aka US International)	139	27	21	78%	6	22%	15	13	87%	2	13%
American Behavioral Studies Institute	235	1	0	0%	1	100%	0	0	0%	0	0%
Antioch University, Los Angeles	241	63	41	65%	22	35%	44	28	64%	16	36%
Antioch University, Santa Barbara	243	21	10	48%	11	52%	12	7	58%	5	42%
Argosy University (aka American School of Prof. Psych.	204	70	36	51%	34	49%	41	20	49%	21	51%
Azusa Pacific University, Azusa	103	23	11	48%	12	52%	15	6	40%	9	60%
Bethany College	157	2	1	50%	1	50%	1	0	0%	1	100%
Bethel Theological Seminary	152	7	6	86%	1	14%	5	5	100%	0	0%
Brandman University	253	39	21	54%	18	46%	15	12	80%	3	20%
Calif. Polytechnic State University, San Luis Obispo - Cal Poly	001	1	1	100%	0	0%	1	1	100%	0	0%
California Baptist University, Riverside	105	26	14	54%	12	46%	14	8	57%	6	43%
California Graduate Institute, Los Angeles	203	8	5	63%	3	38%	3	2	67%	1	33%
California Institute of Integral Studies, S.F.	107	43	36	84%	7	16%	32	29	91%	3	9%
California Lutheran University, Thousand Oaks	108	14	10	71%	4	29%	10	9	90%	1	10%
California Southern University	246	4	3	75%	1	25%	2	1	50%	1	50%
California State Polytechnic University, Pomona	019	2	2	100%	0	0%	2	2	100%	0	0%
California State University, Bakersfield	002	2	0	0%	2	100%	1	0	0%	1	100%
California State University, Chico	003	8	5	63%	3	38%	6	5	83%	1	17%
California State University, Dominguez Hills	004	18	10	56%	8	44%	8	4	50%	4	50%
California State University, Fresno	005	22	10	45%	12	55%	19	8	42%	11	58%
California State University, Fullerton	006	18	10	56%	8	44%	14	7	50%	7	50%
California State University, Hayward	007	12	8	67%	4	33%	7	5	71%	2	29%
California State University, Long Beach	008	9	6	67%	3	33%	6	5	83%	1	17%
California State University, Los Angeles	009	11	4	36%	7	64%	6	3	50%	3	50%
California State University, Northridge	010	30	19	63%	11	37%	20	12	60%	8	40%
California State University, Sacramento	011	19	12	63%	7	37%	14	10	71%	4	29%
California State University, San Bernardino	012	5	5	100%	0	0%	5	5	100%	0	0%
California State University, Stanislaus	013	1	1	100%	0	0%	1	1	100%	0	0%
Capella University	260	1	1	100%	0	0%	1	1	100%	0	0%
Chapman University, Orange	113	33	17	52%	16	48%	21	10	48%	11	52%
Dominican University of California	117	5	3	60%	2	40%	4	3	75%	1	25%
Eisner Institute for Professional Studies	250	1	1	100%	0	0%	1	1	100%	0	0%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LMFT (Clinical Exam)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	Code	Taking Exam	Passed	Pass Percent	Failed	Failed Percent	Taking Exam	Passed	Pass Percent	Failed	Failed Percent
Fresno Pacific Bibilical Seminary, Fresno	127	2	0	0%	2	100%	0	0	0%	0	0%
Fresno Pacific University	153	1	1	100%	0	0%	0	0	0%	0	0%
Fuller Theological Seminary, Pasadena	119	7	4	57%	3	43%	7	4	57%	3	43%
Golden Gate University	151	6	3	50%	3	50%	2	1	50%	1	50%
HIS University	247	1	0	0%	1	100%	0	0	0%	0	0%
Holy Names University, Oakland	122	2	0	0%	2	100%	2	0	0%	2	100%
Hope International University	131	5	2	40%	3	60%	1	0	0%	1	100%
Humboldt State University, Arcata	014	4	3	75%	1	25%	2	2	100%	0	0%
John F. Kennedy University, Orinda	124	42	28	67%	14	33%	31	23	74%	8	26%
Loma Linda University, Orinda	125	12	6	50%	6	50%	6	4	67%	2	33%
Loyola Marymount University, Los Angeles	126	8	6	75%	2	25%	3	2	67%	1	33%
Mount St. Mary's College, Los Angeles	128	12	7	58%	5	42%	4	2	50%	2	50%
National University	129	78	40	51%	38	49%	45	27	60%	18	40%
New College of California, San Francisco	130	3	0	0%	3	100%	2	0	0%	2	100%
Notre Dame de Namur University	116	9	6	67%	3	33%	5	4	80%	1	20%
OUT-OF-COUNTRY	400	1	0	0%	1	100%	1	0	0%	1	100%
Out-of-State	300	39	25	64%	14	36%	24	17	71%	7	29%
Pacific Oaks College, Pasadena	133	23	9	39%	14	61%	15	6	40%	9	60%
Pacifica Graduate Institute, Carpenteria	154	19	13	68%	6	32%	15	10	67%	5	33%
Palo Alto University	258	5	4	80%	1	20%	4	4	100%	0	0%
Pepperdine University, Malibu	135	69	48	70%	21	30%	56	42	75%	14	25%
Phillips Graduate Institute	106	34	19	56%	15	44%	24	13	54%	11	46%
Ryokan College, Los Angeles	216	2	1	50%	1	50%	2	1	50%	1	50%
San Diego State University	015	12	5	42%	7	58%	5	4	80%	1	20%
San Francisco State University	016	15	8	53%	7	47%	9	7	78%	2	22%
Santa Barbara Graduate Institute	245	1	0	0%	1	100%	0	0	0%	0	0%
Santa Clara University	144	31	25	81%	6	19%	24	19	79%	5	21%
Simpson University	254	4	2	50%	2	50%	3	2	67%	1	33%
Sofia University, San Jose	155	14	12	86%	2	14%	10	9	90%	1	10%
Sonoma State University	018	3	2	67%	1	33%	1	1	100%	0	0%
Southern California Seminary (aka Southern CA Bible College and Seminary)	237	5	2	40%	3	60%	2	1	50%	1	50%
St. Mary's College of CA, Moraga	136	4	1	25%	3	75%	2	0	0%	2	100%
The Chicago School of Professional Psychology at Los Angeles	251	13	8	62%	5	38%	6	5	83%	1	17%
Trinity College of Graduate Studies, Orange	201	1	0	0%	1	100%	1	0	0%	1	100%
University of La Verne, La Verne	140	10	3	30%	7	70%	6	2	33%	4	67%
University of Phoenix, Sacramento	238	5	1	20%	4	80%	3	1	33%	2	67%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LMFT (Clinical Exam)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	**Code**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**
University of Phoenix, San Diego	236	100	42	42%	58	58%	52	22	42%	30	58%
University of San Diego, San Diego	142	7	6	86%	1	14%	6	5	83%	1	17%
University of San Francisco, San Francisco	143	38	26	68%	12	32%	17	15	88%	2	12%
University of Southern California, Los Angeles	145	12	10	83%	2	17%	8	8	100%	0	0%
Vanguard University of Southern California	156	6	3	50%	3	50%	2	2	100%	0	0%
Western Institute for Social Research, Berkeley	220	1	1	100%	0	0%	1	1	100%	0	0%
Western Seminary (Western Conservative Baptist Seminary)	232	7	5	71%	2	29%	5	5	100%	0	0%
Wright Institute, Berkeley	150	4	3	75%	1	25%	3	3	100%	0	0%
Exam: LMFT CE Total:		1,223	720	59%	503	41%	763	497	65%	266	35%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LMFT (Law and Ethics)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	Code	Taking Exam	Passed	Pass Percent	Failed	Failed Percent	Taking Exam	Passed	Pass Percent	Failed	Failed Percent
Alliant International University (aka US International)	139	42	32	76%	10	24%	33	25	76%	8	24%
Antioch University, Los Angeles	241	72	54	75%	18	25%	41	36	88%	5	12%
Antioch University, Santa Barbara	243	23	14	61%	9	39%	9	5	56%	4	44%
Argosy University (aka American School of Prof. Psych.	204	66	35	53%	31	47%	27	16	59%	11	41%
Azusa Pacific University, Azusa	103	23	20	87%	3	13%	17	15	88%	2	12%
Bethany College	157	1	0	0%	1	100%	0	0	0%	0	0%
Bethel Theological Seminary	152	2	2	100%	0	0%	2	2	100%	0	0%
Brandman University	253	51	35	69%	16	31%	27	20	74%	7	26%
Calif. Polytechnic State University, San Luis Obispo - Cal Poly	001	2	1	50%	1	50%	1	1	100%	0	0%
California Baptist University, Riverside	105	34	22	65%	12	35%	19	12	63%	7	37%
California Graduate Institute, Los Angeles	203	5	4	80%	1	20%	3	3	100%	0	0%
California Institute of Integral Studies, S.F.	107	53	41	77%	12	23%	31	25	81%	6	19%
California Lutheran University, Thousand Oaks	108	15	12	80%	3	20%	12	11	92%	1	8%
California Southern University	246	3	2	67%	1	33%	2	2	100%	0	0%
California State Polytechnic University, Pomona	019	4	4	100%	0	0%	2	2	100%	0	0%
California State University, Bakersfield	002	7	7	100%	0	0%	7	7	100%	0	0%
California State University, Chico	003	14	13	93%	1	7%	4	4	100%	0	0%
California State University, Dominguez Hills	004	17	8	47%	9	53%	4	3	75%	1	25%
California State University, Fresno	005	22	15	68%	7	32%	13	9	69%	4	31%
California State University, Fullerton	006	14	12	86%	2	14%	9	8	89%	1	11%
California State University, Hayward	007	15	10	67%	5	33%	7	3	43%	4	57%
California State University, Long Beach	008	9	9	100%	0	0%	8	8	100%	0	0%
California State University, Los Angeles	009	13	9	69%	4	31%	7	5	71%	2	29%
California State University, Northridge	010	24	18	75%	6	25%	15	12	80%	3	20%
California State University, Sacramento	011	8	5	63%	3	38%	3	3	100%	0	0%
California State University, San Bernardino	012	4	4	100%	0	0%	3	3	100%	0	0%
California State University, Stanislaus	013	2	2	100%	0	0%	1	1	100%	0	0%
Chapman University, Orange	113	18	14	78%	4	22%	12	10	83%	2	17%
Dominican University of California	117	4	4	100%	0	0%	4	4	100%	0	0%
Fresno Pacific Bibilical Seminary, Fresno	127	2	2	100%	0	0%	0	0	0%	0	0%
Fuller Theological Seminary, Pasadena	119	8	8	100%	0	0%	3	3	100%	0	0%
Golden Gate University	151	6	5	83%	1	17%	3	3	100%	0	0%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LMFT (Law and Ethics)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	Code	Taking Exam	Passed	Pass Percent	Failed	Failed Percent	Taking Exam	Passed	Pass Percent	Failed	Failed Percent
HIS University	247	2	1	50%	1	50%	0	0	0%	0	0%
Holy Names University, Oakland	122	12	7	58%	5	42%	6	4	67%	2	33%
Hope International University	131	12	6	50%	6	50%	5	2	40%	3	60%
Humboldt State University, Arcata	014	1	1	100%	0	0%	1	1	100%	0	0%
John F. Kennedy University, Orinda	124	41	28	68%	13	32%	27	17	63%	10	37%
Loma Linda University, Orinda	125	7	7	100%	0	0%	3	3	100%	0	0%
Loyola Marymount University, Los Angeles	126	4	4	100%	0	0%	2	2	100%	0	0%
Meridian University	231	2	1	50%	1	50%	2	1	50%	1	50%
Mount St. Mary's College, Los Angeles	128	12	7	58%	5	42%	2	2	100%	0	0%
National University	129	83	51	61%	32	39%	38	21	55%	17	45%
New College of California, San Francisco	130	2	1	50%	1	50%	0	0	0%	0	0%
Northcentral University	256	4	1	25%	3	75%	2	1	50%	1	50%
Notre Dame de Namur University	116	16	11	69%	5	31%	10	7	70%	3	30%
OUT-OF-COUNTRY	400	7	2	29%	5	71%	2	1	50%	1	50%
Out-of-State	300	46	37	80%	9	20%	32	25	78%	7	22%
Pacific Oaks College, Pasadena	133	44	25	57%	19	43%	24	16	67%	8	33%
Pacifica Graduate Institute, Carpenteria	154	18	17	94%	1	6%	16	15	94%	1	6%
Palo Alto University	258	11	9	82%	2	18%	11	9	82%	2	18%
Pepperdine University, Malibu	135	51	41	80%	10	20%	33	25	76%	8	24%
Phillips Graduate Institute	106	47	36	77%	11	23%	24	20	83%	4	17%
Ryokan College, Los Angeles	216	2	1	50%	1	50%	0	0	0%	0	0%
San Diego State University	015	9	8	89%	1	11%	6	5	83%	1	17%
San Francisco State University	016	9	7	78%	2	22%	2	2	100%	0	0%
San Jose State University	017	2	1	50%	1	50%	1	0	0%	1	100%
Santa Barbara Graduate Institute	245	1	1	100%	0	0%	1	1	100%	0	0%
Santa Clara University	144	18	13	72%	5	28%	13	10	77%	3	23%
Simpson University	254	3	3	100%	0	0%	0	0	0%	0	0%
Sofia University, San Jose	155	7	4	57%	3	43%	3	2	67%	1	33%
Sonoma State University	018	9	9	100%	0	0%	9	9	100%	0	0%
Southern California Seminary (aka Southern CA Bible College and Seminary)	237	3	1	33%	2	67%	0	0	0%	0	0%
St. Mary's College of CA, Moraga	136	9	4	44%	5	56%	6	2	33%	4	67%
TOURO UNIVERSITY	262	2	1	50%	1	50%	1	1	100%	0	0%
The Chicago School of Professional Psychology at Los Angeles	251	29	17	59%	12	41%	19	13	68%	6	32%
UC, San Francisco	055	1	1	100%	0	0%	1	1	100%	0	0%
University for Humanistic Studies, San Diego	218	1	1	100%	0	0%	0	0	0%	0	0%
University of La Verne, La Verne	140	7	3	43%	4	57%	4	1	25%	3	75%
University of Phoenix, Sacramento	238	3	1	33%	2	67%	0	0	0%	0	0%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LMFT (Law and Ethics)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	**Code**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**
University of Phoenix, San Diego	236	156	75	48%	81	52%	76	32	42%	44	58%
University of San Diego, San Diego	142	11	9	82%	2	18%	8	7	88%	1	13%
University of San Francisco, San Francisco	143	20	11	55%	9	45%	11	7	64%	4	36%
University of Southern California, Los Angeles	145	8	8	100%	0	0%	7	7	100%	0	0%
University of the West	255	3	3	100%	0	0%	2	2	100%	0	0%
Vanguard University of Southern California	156	3	2	67%	1	33%	3	2	67%	1	33%
Western Seminary (Western Conservative Baptist Seminary)	232	9	8	89%	1	11%	6	5	83%	1	17%
Wright Institute, Berkeley	150	20	17	85%	3	15%	17	15	88%	2	12%
Exam: LMFT L+E Total:		1,350	925	69%	425	31%	765	557	73%	208	27%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LPCC (Law and Ethics)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	Code	Taking Exam	Passed	Pass Percent	Failed	Failed Percent	Taking Exam	Passed	Pass Percent	Failed	Failed Percent
Alliant International University (aka CSPP)	112	4	1	25%	3	75%	4	1	25%	3	75%
Antioch University, Los Angeles	241	1	1	100%	0	0%	1	1	100%	0	0%
Argosy University (aka American School of Prof. Psych.	204	11	5	45%	6	55%	8	3	38%	5	63%
Azusa Pacific University, Azusa	103	20	13	65%	7	35%	13	9	69%	4	31%
Brandman University	253	9	4	44%	5	56%	8	4	50%	4	50%
California Baptist University, Riverside	105	3	3	100%	0	0%	3	3	100%	0	0%
California Institute of Integral Studies, S.F.	107	3	3	100%	0	0%	3	3	100%	0	0%
California Lutheran University, Thousand Oaks	108	1	1	100%	0	0%	1	1	100%	0	0%
California Southern University	246	4	3	75%	1	25%	4	3	75%	1	25%
California State University, Fresno	005	1	1	100%	0	0%	0	0	0%	0	0%
California State University, Fullerton	006	7	7	100%	0	0%	6	6	100%	0	0%
California State University, Los Angeles	009	1	0	0%	1	100%	1	0	0%	1	100%
California State University, Northridge	010	2	1	50%	1	50%	2	1	50%	1	50%
California State University, Sacramento	011	8	5	63%	3	38%	5	3	60%	2	40%
California State University, San Bernardino	012	11	5	45%	6	55%	7	2	29%	5	71%
California State University, Stanislaus	013	4	1	25%	3	75%	2	0	0%	2	100%
Capella University	260	1	0	0%	1	100%	0	0	0%	0	0%
Fielding Institute, Santa Barbara	118	1	0	0%	1	100%	1	0	0%	1	100%
Golden Gate University	151	1	0	0%	1	100%	1	0	0%	1	100%
Holy Names University, Oakland	122	1	0	0%	1	100%	0	0	0%	0	0%
John F. Kennedy University, Orinda	124	6	5	83%	1	17%	6	5	83%	1	17%
Loma Linda University, Orinda	125	2	2	100%	0	0%	0	0	0%	0	0%
Loyola Marymount University, Los Angeles	126	2	2	100%	0	0%	0	0	0%	0	0%
National University	129	5	3	60%	2	40%	3	2	67%	1	33%
Notre Dame de Namur University	116	2	2	100%	0	0%	2	2	100%	0	0%
OUT-OF-COUNTRY	400	1	0	0%	1	100%	1	0	0%	1	100%
Out-of-State	300	72	45	63%	27	38%	49	30	61%	19	39%
Pacific Graduate School of Psychology, Palo Alto	149	1	1	100%	0	0%	0	0	0%	0	0%
Pacifica Graduate Institute, Carpenteria	154	1	1	100%	0	0%	1	1	100%	0	0%
Palo Alto University	258	1	0	0%	1	100%	0	0	0%	0	0%
Pepperdine University, Malibu	135	12	9	75%	3	25%	11	8	73%	3	27%
Phillips Graduate Institute	106	1	1	100%	0	0%	1	1	100%	0	0%
San Diego State University	015	3	2	67%	1	33%	3	2	67%	1	33%
San Francisco State University	016	3	3	100%	0	0%	0	0	0%	0	0%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LPCC (Law and Ethics)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	**Code**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**
San Jose State University	017	5	1	20%	4	80%	3	0	0%	3	100%
Santa Clara University	144	3	3	100%	0	0%	2	2	100%	0	0%
Sofia University, San Jose	155	1	1	100%	0	0%	1	1	100%	0	0%
Sonoma State University	018	2	2	100%	0	0%	2	2	100%	0	0%
St. Mary's College of CA, Moraga	136	1	0	0%	1	100%	1	0	0%	1	100%
The Chicago School of Professional Psychology at Los Angeles	251	9	6	67%	3	33%	8	6	75%	2	25%
University of La Verne, La Verne	140	2	1	50%	1	50%	1	0	0%	1	100%
University of Redlands	259	10	8	80%	2	20%	8	6	75%	2	25%
University of San Diego, San Diego	142	6	6	100%	0	0%	5	5	100%	0	0%
University of San Francisco, San Francisco	143	2	2	100%	0	0%	2	2	100%	0	0%
University of Southern California, Los Angeles	145	1	1	100%	0	0%	0	0	0%	0	0%
Vanguard University of Southern California	156	3	3	100%	0	0%	3	3	100%	0	0%
WALDEN UNIVERSITY	263	2	2	100%	0	0%	2	2	100%	0	0%
Western Seminary (Western Conservative Baptist Seminary)	232	3	3	100%	0	0%	3	3	100%	0	0%
Wright Institute, Berkeley	150	1	1	100%	0	0%	1	1	100%	0	0%
Exam: LPCC L+E Total:		257	170	66%	87	34%	189	124	66%	65	34%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LPCC (NCMHCE Exam)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	**Code**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**	**Taking Exam**	**Passed**	**Pass Percent**	**Failed**	**Failed Percent**
Alliant International University (aka CSPP)	112	2	1	50%	1	50%	2	1	50%	1	50%
Azusa Pacific University, Azusa	103	1	1	100%	0	0%	1	1	100%	0	0%
Brandman University	253	1	0	0%	1	100%	1	0	0%	1	100%
California Baptist University, Riverside	105	1	1	100%	0	0%	1	1	100%	0	0%
California Southern University	246	1	1	100%	0	0%	0	0	0%	0	0%
California State University, Dominquez Hills	4	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Fresno	005	1	0	0%	1	100%	1	0	0%	1	100%
California State University, Sacramento	011	2	2	100%	0	0%	1	1	100%	0	0%
Chapman University, Orange	113	1	0	0%	1	100%	1	0	0%	1	100%
Loma Linda University, Orinda	125	2	2	100%	0	0%	2	2	100%	0	0%
Loyola Marymount University, Los Angeles	126	1	0	0%	1	100%	1	0	0%	1	100%
Mount St. Mary's College, Los Angeles	128	1	0	0%	1	100%	1	0	0%	1	100%
National University	129	1	1	100%	0	0%	1	1	100%	0	0%
Out-of-State	300	25	20	80%	5	20%	21	17	81%	4	19%
Pepperdine University, Malibu	135	1	1	100%	0	0%	1	1	100%	0	0%
San Francisco State University	016	1	1	100%	0	0%	1	1	100%	0	0%
San Jose State University	017	2	0	0%	2	100%	1	0	0%	1	100%
Santa Clara University	144	2	2	100%	0	0%	2	2	100%	0	0%
Sonoma State University	018	1	1	100%	0	0%	1	1	100%	0	0%
St. Mary's College of CA, Moraga	136	1	1	100%	0	0%	1	1	100%	0	0%
University of Redlands	259	1	1	100%	0	0%	0	0	0%	0	0%
University of San Diego, San Diego	142	4	4	100%	0	0%	3	3	100%	0	0%
Western Seminary (Western Conservative Baptist Seminary)	232	1	0	0%	1	100%	1	0	0%	1	100%
Exam: NCMHCE Total:		55	41	75%	14	25%	46	34	74%	12	26%

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES
SCHOOL EXAM RESULTS
EXAM DATES: 10/1/2017 THRU 12/31/2017

License Type: LEP (LEPSW LEP Standard Written Exam)

SCHOOL		APPLICANTS					FIRST TIMER				
Name	Code	Taking Exam	Passed	Pass Percent	Failed	Failed Percent	Taking Exam	Passed	Pass Percent	Failed	Failed Percent
Azusa Pacific University, Azusa	103	1	1	100%	0	0%	0	0	0%	0	0%
California State University, Hayward	007	2	2	100%	0	0%	2	2	100%	0	0%
California State University, Sacramento	011	1	0	0%	1	100%	1	0	0%	1	100%
Chapman University, Orange	113	6	3	50%	3	50%	3	2	67%	1	33%
Humboldt State University, Arcata	014	2	1	50%	1	50%	2	1	50%	1	50%
La Sierra University	252	1	1	100%	0	0%	1	1	100%	0	0%
Loyola Marymount University, Los Angeles	126	2	0	0%	2	100%	1	0	0%	1	100%
National University	129	4	1	25%	3	75%	3	1	33%	2	67%
Out-of-State	300	4	4	100%	0	0%	3	3	100%	0	0%
Pepperdine University, Malibu	135	1	0	0%	1	100%	1	0	0%	1	100%
Phillips Graduate Institute	106	1	0	0%	1	100%	1	0	0%	1	100%
San Francisco State University	016	2	1	50%	1	50%	1	1	100%	0	0%
UC, Riverside	053	1	0	0%	1	100%	1	0	0%	1	100%
UC, Santa Barbara	056	1	1	100%	0	0%	1	1	100%	0	0%
Exam: LEPSW Total:		29	15	52%	14	48%	21	12	57%	9	43%

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	February 14, 2018
From:	Laurie Williams Human Resources Liaison	**Telephone:**	(916) 574-7850
Subject:	**Personnel Update**		

New Employees

Management Services Technician (MST) / Licensing – Robert Esquivel joined the Board effective November 1, 2017. Mr. Esquivel performs the duties related to the Licensed Marriage and Family Therapist (LMFT) as a Licensing Evaluator. Prior to joining the Board, Mr. Esquivel worked for the Medical Board as a Student Assistant.

Associate Governmental Program Analyst / Enforcement – Effective January 1, 2018, Craig Zimmerman promoted to an Associate Governmental Program Analyst in the Criminal Conviction and Probation Unit to function as a Probation Analyst. Craig was performing the duties of an Initial Applicant Convictions Analyst prior to his promotion.

Management Services Technician (MST) / Licensing (Part-time 0.5) – Tanya Bordei has accepted the Boards offer of employment as an MST effective February 5, 2018. This position will perform the duties related to the Licensed Clinical Social Worker (LCSW) as a Licensing Evaluator. Tanya was employed with the California Air Resources Board as a Personnel Specialist.

Departures

Julie McAuliffe retired from State Service effective July 18, 2017.

Amanda Ayala promoted to a Staff Services Analyst with the Bureau of Cannabis Control to work as Lead of their Cashiering Unit and her last day was December 15, 2017.

Guadalupe Baltazar promoted to an Associate Governmental Program Analyst with the Board of Pharmacy in their Enforcement Unit effective January 31, 2018.

Vacancies

The Board currently has five vacancies. Recruitment efforts to fill these vacancies are as follows:

Office Assistant (OA) / Administration – This position processes the daily mailing for the Board. The hiring manager is reviewing the front office staffing and is determining the best use for this

vacancy. The Board is currently preparing the Request for Personnel packet for this vacancy to be submitted to the Office of Human Resources for review and approval in the upcoming weeks.

Office Technician (OT) / Enforcement – This position receives and completes the initial review of subsequent arrest notifications and provides clerical support to the Criminal Conviction & Probation Unit / Enforcement. The hiring manager has scheduled interviews for next week to choose a viable candidate to hire.

Management Services Technician (MST) / Licensing – This position will perform the duties related to the Licensed Professional Clinical Counselor (LPPC) as a Licensing Evaluator. The Board is currently preparing the Request for Personnel packet for this vacancy to be submitted to the Office of Human Resources for review and approval in the upcoming weeks.

Seasonal Clerk / Administration – This position is responsible for the File Maintenance of the Board's file room. The hiring manager has made a tentative offer to the selected candidate and the Board is awaiting fingerprint clearance.

Staff Services Analyst (SSA) / Enforcement (2 positions) – These positions complete the Initial Applicant Background Investigations in the Criminal Conviction & Probation Unit. The hiring manager is currently reviewing the candidate applications and will be holding interviews in the coming weeks.

Board of Behavioral Sciences

Memo

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

To:	Board Members	**Date:**	February 8, 2018
From:	Kim Madsen Executive Officer	**Telephone:**	(916) 574-7841
Subject:	**Board of Behavioral Sciences Strategic Plan 2018-2021**		

Attached is the Board's 2018-2021 Strategic Plan. Status reports will be provided at future meetings.

Blank Page

BBS

Board of Behavioral Sciences

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES

STRATEGIC PLAN

2018–2021

TABLE OF CONTENTS

MESSAGE FROM THE BOARD CHAIR....1
ABOUT THE BOARD OF BEHAVIORAL SCIENCES....2
MISSION, VISION & VALUES....4
STRATEGIC GOAL AREAS....5
GOAL 1: LICENSING....6
GOAL 2: EXAMINATIONS....7
GOAL 3: ENFORCEMENT....8
GOAL 4: LEGISLATION AND REGULATION....9
GOAL 5: ORGANIZATIONAL EFFECTIVENESS....10
GOAL 6: OUTREACH AND EDUCATION....11
STRATEGIC PLANNING PROCESS....12

BOARD MEMBERS

Deborah Brown, Board Chair, Public Member

Elizabeth "Betty" Connolly, Vice Chair, Licensed Member

Samara Ashley, Public Member

Dr. Leah Brew, Licensed Member

Dr. Peter Chiu, Public Member

Massimiliano "Max" Disposti, Public Member

Renee Lonner, Licensed Member

Sarita Kohli, Licensed Member

Jonathan Maddox, Licensed Member

Dr. Christine Wietlisbach, Public Member

Christina Wong, Licensed Member

Edmund G. Brown Jr., Governor

Alexis Podesta, Acting Secretary,
Business Consumer Services and Housing Agency

Dean R. Grafilo, Director, Department of Consumer Affairs

Kim Madsen, Executive Officer, Board of Behavioral Sciences

Steve Sodergren, Assistant Executive Officer, Board of Behavioral Sciences

MESSAGE FROM THE BOARD CHAIR

The Board of Behavioral Sciences (Board) continues to have a strong commitment to protect and serve Californians by setting, communicating, and enforcing standards for competent mental health practice. The Board continues its collaborative effort between its licensees, stakeholders, and the public to protect consumers and ensure that the services are of the utmost quality.

Since the last *Strategic Plan*, the Board's licensing population has increased 32 percent; and it is anticipated that the need for mental health providers will continue to grow.

Included in this *2018–2021 Strategic Plan* is an emphasis on license portability, increased access through technology and Board accountability. As always, the Board strives to create an environment that is efficient, streamlined, and technologically friendly. As in the previous *Strategic Plan*, our emphasis will continue to be on licensing, examination, enforcement, legislation, and community outreach.

Above all, the Board is dedicated to consumer protection, accountability, transparency, customer service, integrity, quality, and respect. The Board continues to encourage all members of the public to share and participate in this joint venture in maintaining the highest quality of mental health care for all Californians.

Deborah Norsworthy Brown, MPA
Chair, Board of Behavioral Sciences

ABOUT THE BOARD OF BEHAVIORAL SCIENCES

A Pioneering Beginning

In 1945, legislation signed by Governor Earl Warren created the Board of Social Work Examiners. California became the first state to register social workers and the initial effort to protect California consumers began.

Increasing Efforts to Protect Consumers

The 1960s proved to be a busy decade. This young regulatory agency received a new responsibility: administration of the Marriage, Family, and Child Counselor Act in 1963. This additional responsibility inspired a new name: The Social Worker and Marriage Counselor Qualifications Board. In 1969, the Licensed Clinical Social Worker program was established. Change continued in 1970 with the addition of the Licensed Educational Psychologist program. This new mental health profession prompted a third name change: The Board of Behavioral Science Examiners. The Board took its current name, the Board of Behavioral Sciences, on January 1, 1997. Beginning January 1, 2010, a fourth mental health profession, Licensed Professional Clinical Counselor, was added to the Board's regulatory responsibilities.

A Consumer Protection Agency

Since 1945, the Board has been a consumer protection agency that licenses and regulates mental health professionals. Today, the Board provides regulatory oversight for four mental health professions totaling over 110,000 licensees and registrants and growing:

- Licensed Clinical Social Workers
- Licensed Marriage and Family Therapists
- Licensed Educational Psychologists
- Licensed Professional Clinical Counselors

The Board is comprised of six licensed members and seven public members. These members make policy decisions and determine appropriate disciplinary action against licensees and registrants who violate the Board's statutes and regulations. Through the Board staff, the decisions of the Board members are implemented. These decisions ensure California consumers are protected through effective enforcement against licensee/registrant misconduct and establishing standards for examinations and professional licensure.

Board activity is organized through standing and ad-hoc committees. The Policy and Advocacy Committee is the only current standing committee. Ad-hoc committees are established to address emerging issues or concerns related to mental health practice. Each committee provides the opportunity to collaborate with stakeholders to develop policy recommendations that respond to changes in the mental health professions without compromising consumer protection. All committee recommendations are presented to the full Board for approval during a public Board meeting.

The Board Forges Ahead

Focusing on its mission, the Board looks to continue its commitment to protect the consumers of California through effective enforcement, ensuring credibility and high professional standards through examinations and licensing requirements, and providing excellent customer service to all its constituents.

MISSION

Protect and serve Californians by setting, communicating, and enforcing standards for safe and competent mental health practices.

VISION

All Californians are able to access the highest quality mental health services.

VALUES

Accountability – We are accountable to the people of California and each other as stakeholders. We operate transparently and encourage public participation in our decision-making whenever possible.

Customer Service – We acknowledge all stakeholders as our customers, with professionalism, listen to them, and take their needs into account.

Integrity – We are honest, fair, and respectful in our treatment of everyone.

Quality – We will deliver service, information, and products that reflect excellence with the most efficient use of our resources.

Respect – We will be responsive, considerate, and courteous to all, both inside and outside the organization.

STRATEGIC GOAL AREAS

GOAL 1: LICENSING

Establish licensing standards to protect consumers and allow reasonable and timely access to the profession.

GOAL 2: EXAMINATION

Administer fair, valid, comprehensive, and relevant licensing examinations.

GOAL 3: ENFORCEMENT

Protect the health and safety of consumers through the enforcement of laws.

GOAL 4: LEGISLATION AND REGULATION

Ensure the statutes, regulations, policies, and procedures strengthen the Board's mandates and mission.

GOAL 5: ORGANIZATIONAL EFFECTIVENESS

Build an excellent organization through proper Board governance, effective leadership, and responsible management.

GOAL 6: OUTREACH AND EDUCATION

Engage stakeholders through continuous communication about the practice and regulation of the professions, and mental health care.

GOAL 1: LICENSING

Establish licensing standards to protect consumers and allow reasonable and timely access to the profession.

1.1 Identify and implement enhanced communication during the application process to respond to stakeholder concerns regarding communication between applicant and the Board.

1.2 Improve and expand the Board's virtual online BreEZe[1] functionality to provide applicants with the precise status of their applications and license.

1.3 Research and explore a comprehensive online application process to improve efficiency.

1.4 Evaluate and revise current laws and regulations relating to licensure portability to increase consumer access to mental health care.

[1] BreEZe is the Board's licensing and enforcement tracking system.

GOAL 2: EXAMINATION

Administer fair, valid, comprehensive, and relevant licensing examinations.

2.1 Improve the efficiency and reduce processing times to streamline the online exam application.

2.2 Explore methods to improve the candidate's exam experience to address concerns relating to quality and customer service.

2.3 Improve the Board's examination study materials to increase access to exam preparation.

2.4 Evaluate the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB) national examination to determine if appropriate for use in California.

GOAL 3: ENFORCEMENT

Protect the health and safety of consumers through the enforcement of laws.

3.1 Explore the feasibility of additional staff resources to address the increase in number of licensees placed on probation.

3.2 Educate registrants and licensees about general legal requirements and consequences to practitioners who fail to adhere to these legal requirements.

3.3 Educate the Deputy Attorneys General and Administrative Law Judges regarding the disease of addiction and substance abuse to increase their awareness during the discipline process.

3.4 Establish uniform standards and templates for reports and evaluations submitted by the subject matter experts to the Board related to disciplinary matters.

GOAL 4: LEGISLATION AND REGULATION

Ensure the statutes, regulations, policies, and procedures strengthen the Board's mandate and mission.

4.1 Pursue legislation to implement the recommendations of the License Portability Committee to improve license portability.

4.2 Reorganize the statutes and regulations specific to each Board license type to improve understanding of applicable statutes and regulations.

4.3 Continue to review statutory parameters for exempt settings and modify, if necessary, to ensure adequate public protection.

4.4 Explore the feasibility of improving the law and ethics renewal requirements to inform licensees about updates in relevant laws.

4.5 Review and update existing telehealth regulations to improve consumer protection and access to services.

GOAL 5: ORGANIZATIONAL EFFECTIVENESS

Build an excellent organization through proper Board governance, effective leadership, and responsible management.

5.1 Implement a strategic succession plan of Board staff to ensure the continued success of the Board's operations.

5.2 Support DCA efforts to contract with independent organizations to perform occupational analyses and salary surveys of management-level positions equivalent to the Executive Officer and Bureau Chief classifications to enhance the Board's ability to attract and retain competitive applicants.

5.3 Explore the feasibility of hiring in-house counsel to ensure consistency in the application of law.

5.4 Explore the feasibility of hiring a media and Internet technology specialist to increase consistency in messaging to stakeholders.

5.5 Improve customer service with stakeholders to expand (or support) effective communication and accessibility to the Board.

GOAL 6: OUTREACH AND EDUCATION

Engage stakeholders through continuous communication about the practice and regulation of the professions, and mental health care.

6.1 Explore modalities of communication to expand and increase outreach.

6.2 Advocate to increase Board presence at national professional association meetings to enhance awareness of national trends and best practices.

6.3 Develop an outreach program to educate the public about the benefits of mental health care to reduce barriers and destigmatize mental health care.

6.4 Explore opportunities to coordinate with stakeholders to increase the diversity of mental health practitioners to better serve California's diverse population.

6.5 Improve outreach activities to educational institutions, students, and applicants to educate incoming registrants of application requirements for licensure.

STRATEGIC PLANNING PROCESS

To understand the environment in which the Board operates, as well as identify factors that could impact the Board's success in carrying out its regulatory duties, the Department of Consumer Affairs' SOLID Unit conducted an environmental scan of the Board's internal and external environments by collecting information through the following methods:

- An online survey sent to Board stakeholders in August 2017. The online survey received 534 responses.
- Telephone interviews with Board members in August 2017. A total of 10 telephone interviews were conducted.
- Telephone interviews with the Board's Executive Officer and Assistant Executive Officer in August 2017.
- An online survey sent to Board management and staff in August 2017. The online survey received 23 responses.

The most significant themes and trends identified from the environmental scan were discussed by the Board members, Executive Officer, Assistant Executive Officer, and managers during a strategic planning session facilitated by SOLID on October 19, 2017. This information guided the Board in the development of its strategic objectives outlined in this *2018–2021 Strategic Plan*.

BBS

Board of Behavioral Sciences

CALIFORNIA
BOARD OF BEHAVIORAL SCIENCES

1625 N. Market Blvd., Suite S-200
Sacramento, CA 95834

WWW.BBS.CA.GOV

STATE OF CA

IRS

soli
lanni luti

Prepared by

SOLID PLANNING SOLUTIONS
DEPARTMENT OF CONSUMER AFFAIRS

1747 N. Market Blvd., Suite 270
Sacramento, CA 95834

Strategic Plan adopted in November 2017.

This Strategic Plan is based on stakeholder information and discussions facilitated by SOLID for the Board of Behavioral Sciences in October 2017. Subsequent amendments may have been made after the Board's adoption of this plan.

PDE_17-70

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	February 8, 2018
From:	Christy Berger Regulatory Analyst	**Telephone:**	(916) 574-7817
Subject:	**Exempt Setting Committee Update**		

The fourth meeting of the Exempt Setting Committee was held on November 3, 2017. During this meeting, staff presented the results of the practicum coordinator survey, which was sent to all LMFT, LPCC and LCSW school programs in California. The survey's goal was to determine whether current laws related to students in practicum or fieldwork performing services at a work site need to be changed. The Board received 76 responses out of the 123 programs. The Committee discussed the survey results and determined that there were several areas that warranted staff research and further discussion at its next meeting.

The Committee was also provided with the preliminary results of a second survey, which was directed to Board licensees, Board registrants, and exempt setting agency directors. This survey's goal was to obtain information that will help determine whether consumers may be harmed by unlicensed staff performing clinical services in exempt settings, and, to assist the Board in defining different types of settings, including "private practice."

However, the Committee decided to wait on having the exempt setting survey results presented to them. Staff had become aware that the survey had not reached many nonprofit agencies, and these are the types of agencies would be the most likely affected by any possible law changes. Staff was able to identify contact information for nearly all nonprofit agencies that provide mental health counseling in California, and provide them with the opportunity to respond to the survey. The survey results will be presented to the Committee at its next meeting.

The next Exempt Setting Committee is scheduled for February 23, 2018 in Sacramento.

Blank Page

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	February 8, 2018
From:	Kim Madsen Executive Officer	**Telephone:**	(916) 574-7841
Subject:	**License Portability Committee Update**		

The License Portability Committee held its first meeting on November 3, 2017. The purpose of the committee is to review licensure requirements in California and other state agencies to identify barriers to licensure and to develop recommendations to improve license portability.

During the meeting the committee members and stakeholders reviewed current California licensure requirements for Licensed Marriage and Family Therapists, Licensed Clinical Social Workers, and Licensed Professional Clinical Counselors. The committee members and stakeholders also reviewed curriculum requirements set forth by the following accrediting entities: Commission on Accreditation for Marriage and Family Therapists (COAMFTE), Council on Social Work Education Commission on Accreditation (CSWE) and the Council for Accreditation of Counseling and Related Education Programs (CACREP).

Additionally, the committee members and stakeholders reviewed and compared current proposals to improve license portability from the following national associations: Association of Marriage and Family Regulatory Boards (AMFTRB), Association of Social Work Boards (ASWB), and the National Board of Certified Counselors (NBCC), American Association of State Counseling Boards (AASCB), and Association for Counselor Education and Supervision (ACES).

The committee members and stakeholders identified the barriers and discussed possible solutions to improve license portability without compromising consumer protection. The committee members and stakeholders listened to public comments from an individual licensed in another state who is seeking licensure in California, but unfortunately, under current law, does not qualify for licensure in California.

Following the review and discussion of all the information presented, the committee members directed staff to draft proposed language for review at the next committee meeting.

The next committee meeting is February 23, 2018.

Blank Page

A. STEVEN FRANKEL, PH.D., J.D.

ATTORNEY AT LAW
California Bar #192014 District Of Columbia Bar #1009135

A.B.P.P. DIPLOMATE IN CLINICAL & FORENSIC PSYCHOLOGY
California Licensed Psychologist # PSY3354

California Licensed Marriage & Family Therapist #3343 (Inactive)

Voice Mail: (925) 283-4800 E-mail:drpsylex@earthlink.net Fax: (925) 944-8889

California Board of Behavioral Sciences
Presentation at the Meeting of the Board, March 3, 2018

Nature of Presentation: I am appearing in person at the Board's meeting to present a formal request that the Board agree not to publish an "Accusation" against a licensee who, after proper examination, is found to be suffering from a degenerative neuro-cognitive disorder (e.g., Alzheimer's; Senile Dementia, etc.), and who has been the subject of a complaint to the Board regarding inappropriate behavior.

In my role as defense counsel for health care professionals against whom complaints have been filed with a licensing board, alleging and describing inappropriate behavior, I have now represented two senior colleagues who were the subject of board complaints, and who, after competent examination, were found to be suffering from a degenerative, neuro-cognitive disorder, and whose licenses were revoked or surrendered.

While I have absolutely no disagreement with the revocation or surrender of such a licensee's right to practice, I have a strong and heartfelt opposition to the online publication of the "Accusation" against such licensees, with detailed descriptions of their demented physical and emotional behaviors. It is my belief that, after many years of safe, and, in many cases, sterling practices, the online "legacy" of these colleagues should not be to describe, in detail, inappropriate, and, in many cases, outrageous behaviors. In my view, none of us deserve such a legacy under those circumstances.

Further, I discussed expected numbers of people to be demented with Margaret Gatz Ph.D. a senior gero-psychologist colleague in the Psychology Department at USC, where I am a Clinical Professor. The most recent data indicate that at age 45, risk of developing dementia by age 85 is 11% in women and 8% in men. Lifetime risk is one in five for women and one in 1ten for men. We do not have data that address this issue for health care professionals, but rates should be somewhat lower than those for the general population, given high education and good health habits. At the same time, mental health practitioners often continue working into old age, which would increase chances of their becoming demented prior to retirement. Hence, this is an issue that is likely to affect substantial numbers of licensees.

I thus request that the Board see its way clear to accept a surrender of a license when such behavior is reported, with a classification as a "Retired" status. Since such a category of licensure cannot be modified as "active" without clear evidence that s/he is no longer

symptomatic, proper examinations should adequately demonstrate that such licensee not be reinstated with active licenses.

I also wish the Board members to know that I have engaged in a similar dialogue with the Board of Psychology, which appears to be taking the position that such an outcome as I am describing not be available for licensees whose behaviors have "harmed" patients/clients. My response to that position is that, while I more than appreciate that licensing boards are created to protect the public from being harmed by licensees, I am not trying to protect licensees from appropriate responses when they harm the public. Rather, while I am requesting that they not have Accusations filed against them posted online, I am in no way requesting that such colleagues be protected from civil actions for malpractice. Such actions would not and should not be foreclosed by my recommendation. To that end, I am also not asking that the information listed in formal Accusations not be written – just that they not be published online. In the event of a civil suit for malpractice, plaintiffs' and respondents' attorneys should have access to such information.

Again, and finally, I am appearing before the Board to request that, in cases in which licensees have acted inappropriately, and who have been subject to competent evaluation, their online record of licensure status be placed in the category of "retired."

Thank you very much for the opportunity to meet with you in person, to discuss my proposal.

Sincerely,

A. Steven Frankel, Ph.D., Esq.
Clinical Professor of Psychology, USC
Fellow, American Psychological Association

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	February 13, 2018
From:	Rosanne Helms Legislative Analyst	**Telephone:**	(916) 574-7897
Subject:	**Proposed AB 93 (Required Experience and Supervision Amendments)**		

Summary

Proposed amendments to AB 93, based on collaboration with the Senate Committee on Business, Professions, and Economic Development (Business & Professions Committee) and stakeholders, are shown in **Attachments A*** and **B**.

Background

AB 93 (Medina) is Board-sponsored and was introduced as proposed legislation last year (January 2017). It represents the work of the Board's Supervision Committee. The bill seeks to strengthen the quality of supervision by focusing on 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.

AB 93 passed through the Assembly last year, and then moved on to the Senate. However, it became a 2-year bill in the Business & Professions Committee. The Business and Professions Committee expressed consumer protection concerns about the 90-day rule, and requested other substantive changes to the language in the code sections the bill amended.

Staff has worked extensively with the Business & Professions Committee to develop amendments that strike a balance of preserving the original intent of the bill, while making changes that address the Committee's concerns.

Proposed Changes

At its February 9, 2018 meeting, the Policy and Advocacy Committee reviewed the proposed amendments shown in **Attachment B**, and engaged in an in-depth discussion of the 90-day rule.

90-Day Rule

The "90-day rule" is a provision in LMFT and LPCC law that allows applicants for registration as an AMFT or an APCC to count supervised experience hours gained in between the degree

award date and the date the Board issues the registration, if the applicant applies for the registration within 90 days of the date the qualifying degree was granted.

Originally, the Business & Professions Committee had asked that the 90-day rule be removed from the law for AB 93 to move forward. However, just prior to the February meeting, stakeholders, led by the California Association of Marriage and Family Therapists (CAMFT), were able to develop an alternative to deleting the 90-day rule that satisfied the Business & Profession Committee's concerns. Due to this new development, two possibilities were discussed. The Senate Business & Professions Committee indicated it would support either option:

1. **Allow 90-Day Rule if Fingerprinted:**
   Under CAMFT's proposal, counting experience hours under the 90-day rule could continue if the applicant's worksite requires Live Scan fingerprinting prior to any direct service or client experience being gained. This proposed amendment can be found in **Attachment A***.

2. **Phase-Out of the 90-Day Rule for LMFT and LPCC Applicants:**
   Under this proposal, only applicants completing graduate study prior to January 1, 2021 would be able to utilize the 90-day rule. For those graduating after that date, the 90-day rule would no longer be available.

   This proposed amendment can be found in **Attachment B.** (BPC §4980.43(a) and (b) for LMFT applicants, and BPC §4999.46(a) and (b) for LPCC applicants.)

The Policy and Advocacy Committee recommended that the Board consider adopting CAMFT's 90-day rule proposal, allowing the 90-day rule if the applicant's worksite required Live Scan fingerprinting. The Policy and Advocacy Committee requested additional language to require the applicant to submit the proof of Live Scan with their application for the clinical licensure examination, in order to count the hours earned under the 90-day rule. This proposal would also need to be extended to LPCC and LCSW applicants.

<u>Other Substantive Amendments</u>

The Senate Business & Professions Committee requested several additional amendments to AB 93. Although most of these amendments are technical in nature, they are substantive and must be approved by the Board for the bill to move forward. **Attachment B** shows the most recent amendments (except for the CAMFT 90-day rule amendments, which are in **Attachment A***) in strikeout and italics.

One noteworthy change is that the Business & Professions Committee requested changes to the sections of law discussing corporations and private practice, citing concerns about clarity because an entity that is a corporation may also be a private practice.

The Board is currently working on a concise definition of the term "private practice" in its Exempt Setting Committee. However, the work of the Exempt Setting Committee is not complete, and its recommendations will be introduced in future legislation. In the meantime, the amendments in this draft of AB 93 seek to better delineate the requirements for private practices versus entities that are incorporated. One major change is the elimination of the cap on the number of supervisees a corporation may retain (currently set at 15 supervisees). The ratio of three supervisees allowed per supervisor remains for both private practices and corporations.

This proposed amendment can be found in BPC §4980.45.5 (LMFT applicants), BPC §4996.23.3 (LCSW applicants), and BPC §4999.46.4 (LPCC applicants).

Status of AB 456 (90-Day Rule for LCSW Applicants)

AB 456 (Thurmond) was a bill proposed last year to extend the 90-day rule for LCSW applicants. It became a 2-year bill along with AB 93, due to the Senate Business & Professions Committee's concerns.

At its meeting last May (prior to AB 456 and AB 93 becoming 2-year bills), the Board took a "support" position on AB 456 to promote parity across its license types.

AB 456 is sponsored by two organizations, Seneca Family of Agencies, and Lincoln Families. The sponsors have indicated a desire for AB 456 to contain the provision extending the 90-day rule to LCSW applicants. Therefore, if the Board approves of CAMFT's compromise language preserving the 90-day rule, it will be amended into AB 93 for LMFT and LPCC applicants. For LCSW applicants, it will be amended into AB 456. The Board would have the opportunity to provide feedback and take a position on the language in AB 456 at its April Policy and Advocacy Committee meeting and at the May Board meeting.

Recommendation

Conduct an open discussion on the language shown in **Attachments A*** and **B**. Determine which 90-day rule proposal the Board wishes to proceed with. Direct staff to make any discussed changes and any nonsubstantive changes to the language shown in **Attachment B**, and to proceed with amendments to AB 93.

Attachments

Attachment A: CAMFT 90-Day Rule Proposal*
Attachment B: AB 93 – Draft Proposed Language
Attachment C: Stakeholder Letters in Support of 90-Day Rule

**Attachment A will be provided at the February Board meeting and will be posted on the Board's website (www.bbs.ca.gov) as a supplemental packet.*

Blank Page

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 93

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL No. 93

Introduced by Assembly Member Medina

January 9, 2017

An act to amend Sections 728, *2290.5,* 4980.01, 4980.03, 4980.35, 4980.397, 4980.399, 4980.40, 4980.42, 4980.43, 4980.44, 4980.50, 4980.78, 4980.79, 4982, 4982.15, 4984.01, 4984.7, 4992.05, 4992.09, 4992.3, 4996.17, 4996.18, 4996.23, 4999.12, 4999.36, 4999.42, 4999.46, 4999.50, 4999.51, 4999.52, 4999.55, 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, and to amend Section 124260 of the Health and Safety Code, relating to healing arts.

Amendment 1

Amendment 2

LEGISLATIVE COUNSEL'S DIGEST

AB 93, as amended, 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. The bill would make conforming changes. 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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

Page 2

1 SECTION 1. Section 728 of the Business and Professions Code
2 is amended to read:
3 728. (a) Any psychotherapist or employer of a psychotherapist
4 who becomes aware through a patient that the patient had alleged
5 sexual intercourse or alleged sexual contact with a previous
6 psychotherapist during the course of a prior treatment shall provide
7 to the patient a brochure promulgated by the department that
8 delineates the rights of, and remedies for, patients who have been
9 involved sexually with their psychotherapists. Further, the
10 psychotherapist or employer shall discuss with the patient the
11 brochure prepared by the department.
12 (b) Failure to comply with this section constitutes unprofessional
13 conduct.

Page 2 14 (c) For the purpose of this section, the following definitions
15 apply:

Page 3 1 (1) "Psychotherapist" means a physician and surgeon
2 specializing in the practice of psychiatry or practicing
3 psychotherapy, a ~~psychologist,~~ *psychologist licensed pursuant to*
+ *Chapter 6.6 (commencing with Section 2900),* a clinical social
4 worker, a marriage and family therapist, a licensed professional
5 clinical counselor, a psychological assistant, an associate marriage
6 and family therapist or marriage and family therapist trainee, an
7 associate professional clinical counselor or professional clinical
8 counselor trainee, as specified in Chapter 16 (commencing with
9 Section 4999.10), or an associate clinical social worker.

Amendment 3

11 (2) "Sexual contact" means the touching of an intimate part of
12 another person.
13 (3) "Intimate part" and "touching" have the same ~~meaning~~
14 *meanings* as defined in subdivisions (g) and (e), respectively, of
15 Section 243.4 of the Penal Code.

Amendment 4

16 (4) "The course of a prior treatment" means the period of time
17 during which a patient first commences treatment for services that
18 a psychotherapist is authorized to provide under his or her scope
19 of practice, or that the psychotherapist represents to the patient as
20 being within his or her scope of practice, until the
21 psychotherapist-patient relationship is terminated.

Amendment 5

+ *SEC. 2. Section 2290.5 of the Business and Professions Code*
+ *is amended to read:*
+ 2290.5. (a) For purposes of this division, the following
+ definitions shall apply:
+ (1) "Asynchronous store and forward" means the transmission
+ of a patient's medical information from an originating site to the
+ health care provider at a distant site without the presence of the
+ patient.
+ (2) "Distant site" means a site where a health care provider who
+ provides health care services is located while providing these
+ services via a telecommunications system.
+ (3) "Health care provider" means either of the following:
+ (A) A person who is licensed under this division.
+ (B) A marriage and family therapist intern or trainee functioning
+ pursuant to Section ~~4980.43.~~ *4980.43.4.*
+ (4) "Originating site" means a site where a patient is located at
+ the time health care services are provided via a telecommunications

98

+ system or where the asynchronous store and forward service
+ originates.
+ (5) "Synchronous interaction" means a real-time interaction
+ between a patient and a health care provider located at a distant
+ site.
+ (6) "Telehealth" means the mode of delivering health care
+ services and public health via information and communication
+ technologies to facilitate the diagnosis, consultation, treatment,
+ education, care management, and self-management of a patient's
+ health care while the patient is at the originating site and the health
+ care provider is at a distant site. Telehealth facilitates patient
+ self-management and caregiver support for patients and includes
+ synchronous interactions and asynchronous store and forward
+ transfers.
+ (b) Prior to the delivery of health care via telehealth, the health
+ care provider initiating the use of telehealth shall inform the patient
+ about the use of telehealth and obtain verbal or written consent
+ from the patient for the use of telehealth as an acceptable mode of
+ delivering health care services and public health. The consent shall
+ be documented.
+ (c) Nothing in this section shall preclude a patient from receiving
+ in-person health care delivery services during a specified course
+ of health care and treatment after agreeing to receive services via
+ telehealth.
+ (d) The failure of a health care provider to comply with this
+ section shall constitute unprofessional conduct. Section 2314 shall
+ not apply to this section.
+ (e) This section shall not be construed to alter the scope of
+ practice of any health care provider or authorize the delivery of
+ health care services in a setting, or in a manner, not otherwise
+ authorized by law.
+ (f) All laws regarding the confidentiality of health care
+ information and a patient's rights to his or her medical information
+ shall apply to telehealth interactions.
+ (g) This section shall not apply to a patient under the jurisdiction
+ of the Department of Corrections and Rehabilitation or any other
+ correctional facility.
+ (h) (1) Notwithstanding any other provision of law and for
+ purposes of this section, the governing body of the hospital whose
+ patients are receiving the telehealth services may grant privileges

+ to, and verify and approve credentials for, providers of telehealth
+ services based on its medical staff recommendations that rely on
+ information provided by the distant-site hospital or telehealth
+ entity, as described in Sections 482.12, 482.22, and 485.616 of
+ Title 42 of the Code of Federal Regulations.
+ (2) By enacting this subdivision, it is the intent of the Legislature
+ to authorize a hospital to grant privileges to, and verify and approve
+ credentials for, providers of telehealth services as described in
+ paragraph (1).
+ (3) For the purposes of this subdivision, "telehealth" shall
+ include "telemedicine" as the term is referenced in Sections 482.12,
+ 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

Page 3 23 ~~SEC. 2.~~ **Amendment 6**

+ *SEC. 3.* Section 4980.01 of the Business and Professions Code
24 is amended to read:

25 4980.01. (a) ~~Nothing in this~~ *This* chapter shall *not* be construed **Amendments 7 & 8**
26 to constrict, limit, or withdraw the Medical Practice Act, the Social
27 Work Licensing Law, the Nursing Practice Act, the Licensed
28 Professional Clinical Counselor Act, or the Psychology Licensing
29 Act.
30 (b) This chapter shall not apply to any priest, rabbi, or minister
31 of the gospel of any religious denomination when performing
32 counseling services as part of his or her pastoral or professional
33 duties, or to any person who is admitted to practice law in the state,
34 or who is licensed to practice medicine, when providing counseling
35 services as part of his or her professional practice.
36 (c) (1) This chapter shall not apply to an employee working in
37 any of the following settings if his or her work is performed solely
38 under the supervision of the employer:
39 (A) A governmental entity.
40 (B) A school, college, or university.

Page 4 1 (C) An institution that is both nonprofit and charitable.
2 (2) This chapter shall not apply to a volunteer working in any
3 of the settings described in paragraph (1) if his or her work is
4 performed solely under the supervision of the entity, school, or
5 institution.
6 (d) A marriage and family therapist licensed under this chapter
7 is a licentiate for purposes of paragraph (2) of subdivision (a) of
8 Section 805, and thus is a health care practitioner subject to the

Page 4

9 provisions of Section 2290.5 pursuant to subdivision (b) of that
10 section.
11 (e) Notwithstanding subdivisions (b) and (c), all persons
12 registered as associates or licensed under this chapter shall not be
13 exempt from this chapter or the jurisdiction of the board.
15 ~~SEC. 3.~~ **Amendment 9**
+ *SEC. 4.* Section 4980.03 of the Business and Professions Code
16 is amended to read:
17 4980.03. (a) "Board," as used in this chapter, means the Board
18 of Behavioral Sciences.
19 (b) "Associate," as used in this chapter, means an unlicensed
20 person who has earned his or her master's or doctoral degree
21 qualifying him or her for licensure and ~~meets one of the following:~~ **Amendment 10**
+ *is registered with the board as an associate.*
22 ~~(1) The individual is registered with the board as an associate.~~ **Amendment 11**
23 ~~(2) The individual's degree was awarded and the board receives~~
24 ~~his or her application for registration as an associate with the board~~
25 ~~within 90 days of the degree award date.~~
26 (c) "Trainee," as used in this chapter, means an unlicensed
27 person who is currently enrolled in a master's or doctoral degree
28 program, as specified in Sections 4980.36 and 4980.37, that is
29 designed to qualify him or her for licensure under this chapter, and
30 who has completed no less than 12 semester units or 18 quarter
31 units of coursework in any qualifying degree program.
32 (d) "Applicant for licensure," as used in this chapter, means an
33 unlicensed person who has completed the required education and
34 required hours of supervised experience for ~~licensure as specified~~ **Amendment 12**
35 ~~in this chapter.~~ *licensure.*
36 (e) "Advertise," as used in this chapter, includes, but is not
37 limited to, any public communication, as defined in subdivision
38 (a) of Section 651, the issuance of any card, sign, or device to any
39 person, or the causing, permitting, or allowing of any sign or
40 marking on, or in, any building or structure, or in any newspaper

Page 5

1 or magazine or in any directory, or any printed matter whatsoever,
2 with or without any limiting qualification. Signs within religious
3 buildings or notices in church bulletins mailed to a congregation
4 shall not be construed as advertising within the meaning of this
5 chapter.
6 (f) "Experience," as used in this chapter, means experience in
7 interpersonal relationships, psychotherapy, marriage and family

Page 5

8 therapy, direct clinical counseling, and nonclinical practice that
9 satisfies the requirements for licensure as a marriage and family
10 ~~therapist pursuant to Section 4980.40.~~ *therapist.* **Amendment 13**
11 (g) "Supervisor," as used in this chapter, means an individual
12 who meets all of the following requirements:
13 (1) Has ~~been actively licensed in this state or has held an active~~ **Amendment 14**
14 ~~equivalent license in any other state as a licensed professional~~
15 ~~clinical counselor, licensed marriage and family therapist, licensed~~
16 ~~clinical psychologist, licensed clinical social worker, or licensed~~
17 ~~physician and surgeon who is certified in psychiatry by the~~
18 ~~American Board of Psychiatry and Neurology, for at least two~~
19 ~~years of the past five years immediately prior to commencing any~~
20 ~~supervision.~~ *held an active license for at least two years within*
\+ *the five year period immediately preceding any supervision as*
\+ *either:*
\+ *(A) A licensed professional clinical counselor, licensed marriage*
\+ *and family therapist, psychologist licensed pursuant to Chapter*
\+ *6.6 (commencing with Section 2900), licensed clinical social*
\+ *worker, or equivalent out-of-state license.*
\+ *(B) A physician and surgeon who is certified in psychiatry by*
\+ *the American Board of Psychiatry and Neurology or an out-of-state*
\+ *licensed physician and surgeon who is certified in psychiatry by*
\+ *the American Board of Psychiatry and Neurology.*
21 (2) If the supervisor is a licensed professional clinical counselor,
22 he or she ~~meets~~ *has completed* the additional training and education **Amendment 15**
23 requirements specified in subparagraphs (A) to (C), inclusive, of
24 paragraph (3) of subdivision (a) of Section 4999.20.
25 (3) ~~Has~~ *For at least two years within the five-year period* **Amendment 16**
\+ *immediately preceding any supervision, has either* practiced
26 psychotherapy or provided direct clinical supervision of **Amendment 17**
\+ *psychotherapy performed by* marriage and family therapist trainees,
27 associate marriage and family therapists, associate professional
28 clinical counselors, or associate clinical social ~~workers, who~~ **Amendment 18**
29 ~~perform psychotherapy, for at least two years within the five-year~~
30 ~~period immediately preceding any supervision.~~ *workers.* **Amendment 19**
31 Supervision of ~~social work students enrolled in an accredited~~
\+ ~~master's or doctoral program or~~ *psychotherapy performed by a*
32 *social work intern or a* professional clinical counselor ~~trainees,~~ **Amendment 20**
33 ~~who perform psychotherapy,~~ *trainee* shall be accepted ~~toward the~~ **Amendment 21**

Page 5 34 ~~required two years~~ if the supervision provided ~~to the students~~ is
35 substantially equivalent to the supervision required for registrants. **Amendment 22**
36 (4) Has received ~~professional~~ training in supervision as specified **Amendment 23**
37 in this chapter and by regulation.
38 (5) Has not provided therapeutic services to the supervisee.
39 (6) Has and maintains a current and active ~~California~~ license **Amendment 24**
40 that is not under suspension or ~~probation.~~ *probation as one of the* **Amendment 25**
+ *following:*
Page 6 1 ~~(7) Complies with supervision requirements established by this~~ **Amendment 26**
2 ~~chapter and by board regulations.~~
+ *(A) A marriage and family therapist, professional clinical*
+ *counselor, or clinical social worker, issued by the board.*
+ *(B) A psychologist licensed pursuant to Chapter 6.6*
+ *(commencing with Section 2900).*
+ *(C) A physician and surgeon who is certified in psychiatry by*
+ *the American Board of Psychiatry and Neurology.*
+ *(7) Is not a spouse, domestic partner, or relative of the*
+ *supervisee.*
+ *(8) Does not currently have or previously had a personal,*
+ *professional, or business relationship with the supervisee that*
+ *undermines the authority or effectiveness of the supervision.*
3 (h) "Client centered advocacy," as used in this chapter, includes,
4 but is not limited to, researching, identifying, and accessing
5 resources, or other activities, related to obtaining or providing
6 services and supports for clients or groups of clients receiving
7 psychotherapy or counseling services.
9 ~~SEC. 4.~~ **Amendment 27**
+ *SEC. 5.* Section 4980.35 of the Business and Professions Code
10 is amended to read:
11 4980.35. (a) The Legislature acknowledges that the basic
12 obligation to provide a complete and accurate application for a
13 marriage and family therapist license lies with the applicant. At
14 the same time, the Legislature recognizes that an effort should be
15 made by the board to ensure that persons who enter degree
16 programs and supervisorial training settings that meet the
17 requirements of this chapter are enabled to discern the requirements
18 for licensing and to take the examination when they have completed
19 their educational and experience requirements.
20 (b) In order that the board, the educational institutions, and the
21 supervisors who monitor the education and experience of applicants

Page 6

22 may develop greater cooperation, the board shall do all of the
23 following:
24 (1) Apply a portion of its limited resources specifically to the
25 task of communicating information about its activities, the
26 requirements and qualifications for licensure, and the practice of
27 marriage and family therapy to the relevant educational institutions,
28 supervisors, professional associations, applicants, trainees,
29 associates, and the consuming public.
30 (2) Develop policies and procedures to assist educational
31 institutions in meeting the curricula requirements of Sections
32 4980.36 and 4980.37 and any regulations adopted pursuant to those
33 sections, so that those educational institutions may better provide
34 assurance to their students that the curriculum offered to fulfill the
35 educational requirements for licensure will meet those requirements
36 at the time of the student's application for licensure.
37 (3) Notify applicants in the application procedure when
38 applications are incomplete, inaccurate, or deficient, and inform
39 applicants of any remediation, reconsideration, or appeal
40 procedures that may be applicable.

Page 7

1 (4) Undertake, or cause to be undertaken, further comprehensive
2 review, in consultation with educational institutions, professional
3 associations, supervisors, associates, and trainees, of the
4 supervision of associates and trainees, which shall include, but not
5 be limited to, the following, and shall propose regulations regarding
6 the supervision of associates and trainees that may include, but
7 not be limited to, the following:
8 (A) Supervisor qualifications.
9 (B) Continuing education requirements of supervisors.
10 (C) Registration or licensing of supervisors, or both.
11 (D) Responsibilities of supervisors in general.
12 (E) The board's authority in cases of noncompliance or
13 negligence by supervisors.
14 (F) The associate's and trainee's need for guidance in selecting
15 well-balanced and ~~high quality~~ *high-quality* professional training | **Amendment 28**
16 opportunities within his or her community.
17 (G) The role of the supervisor in advising and encouraging his
18 or her associate or trainee regarding the necessity or value and
19 appropriateness of the associate or trainee engaging in personal
20 psychotherapy, so as to enable the associate or trainee to become
21 a more competent marriage and family therapist.

Page 7 23 ~~SEC. 5.~~ **Amendment 29**

+ *SEC. 6.* Section 4980.397 of the Business and Professions Code
24 is amended to read:

25 4980.397. (a) ~~Effective January 1, 2016, a~~ *A* registrant or an **Amendment 30**
26 applicant for licensure as a marriage and family therapist shall
27 pass the following two examinations as prescribed by the board:
28 (1) A California law and ethics examination.
29 (2) A clinical examination.
30 (b) Upon registration with the board, an associate marriage and
31 family therapist shall, within the first year of registration, take an
32 examination on California law and ethics.
33 (c) A registrant or an applicant for licensure may take the clinical
34 examination only upon meeting all of the following requirements:
36 (1) Completion of all required supervised work experience.
37 (2) Completion of all education requirements.
38 (3) Passage of the California law and ethics examination.
39 ~~(d) This section shall become operative on January 1, 2016.~~ **Amendment 31**

Page 8 1 ~~SEC. 6.~~ **Amendment 32**

+ *SEC. 7.* Section 4980.399 of the Business and Professions Code
2 is amended to read:

3 4980.399. (a) Except as provided in subdivision (a) of Section
4 4980.398, each applicant and registrant shall obtain a passing score
5 on a board-administered California law and ethics examination in
6 order to qualify for licensure.
7 (b) A registrant shall participate in a board-administered
8 California law and ethics examination prior to his or her registration
9 renewal.

10 ~~(c) Notwithstanding subdivision (b), an applicant who holds a~~ **Amendment 33**
11 ~~registration eligible for renewal, with an expiration date no later~~
12 ~~than June 30, 2016, and who applies for renewal of that registration~~
13 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~
14 ~~allowed to renew the registration without first participating in the~~
15 ~~California law and ethics examination. These applicants shall~~
16 ~~participate in the California law and ethics examination in the next~~
17 ~~renewal cycle, and shall pass the examination prior to licensure or~~
18 ~~issuance of a subsequent registration number, as specified in this~~
19 ~~section.~~
20 ~~(d)~~

+ *(c)* If an applicant fails the California law and ethics
21 examination, he or she may retake the examination, upon payment

Page 8

22 of the required fees, without further application except as provided
23 in subdivision ~~(c).~~ *(d).*
24 ~~(c)~~ **Amendment 34**
+ *(d)* If a registrant fails to obtain a passing score on the California **Amendment 35**
25 law and ethics examination ~~described in subdivision (a)~~ within his **Amendment 36**
26 or her renewal period on or after the operative date of this section,
27 he or she shall complete, at a minimum, a 12-hour course in
28 California law and ethics in order to be eligible to participate in
29 the California law and ethics examination. Registrants shall only
30 take the 12-hour California law and ethics course once during a
31 renewal period. The 12-hour law and ethics course required by
32 this section shall be taken through a continuing education provider
33 as specified by the board by regulation, a county, state or
34 governmental entity, or a college or university.
35 ~~(f)~~ **Amendment 37**
36 *(e)* The board shall not issue a subsequent registration number
37 unless the applicant has passed the California law and ethics
+ examination.
38 ~~(g) Notwithstanding subdivision (f), an applicant who holds or~~ **Amendment 38**
39 ~~has held a registration, with an expiration date no later than January~~
40 ~~1, 2017, and who applies for a subsequent registration number~~

Page 9

1 ~~between January 1, 2016, and January 1, 2017, shall, if eligible,~~
2 ~~be allowed to obtain the subsequent registration number without~~
3 ~~first passing the California law and ethics examination. These~~
4 ~~applicants shall pass the California law and ethics examination~~
5 ~~during the next renewal period or prior to licensure, whichever~~
6 ~~occurs first.~~
7 ~~(h) This section shall become operative on January 1, 2016.~~
8 ~~SEC. 7.~~
+ *SEC. 8.* Section 4980.40 of the Business and Professions Code
9 is amended to read:
10 4980.40. ~~To qualify for a license, an applicant shall have~~ *An* **Amendment 39**
11 *applicant for licensure shall satisfy* all of the following
+ qualifications:
12 (a) Meet the educational requirements of Section 4980.36 or
13 both Sections 4980.37 and 4980.41, as applicable.
14 (b) Be at least 18 years of age.
15 (c) Have at least two years of supervised experience ~~that meet~~ **Amendment 40**
16 ~~the requirements of this chapter and those specified by the board~~

Page 9 17 ~~in regulation.~~ *as specified in this chapter and its corresponding*
+ *regulations.*
18 (d) ~~Effective January 1, 2016, successfully~~ *Successfully* pass a
19 California law and ethics examination and a clinical examination.
20 An applicant who has successfully passed a previously
21 administered written examination may be subsequently required
22 to take and pass another written examination.
23 (e) Not have committed acts or crimes constituting grounds for
24 denial of licensure under Section 480. The board shall not issue a
25 registration or license to any person who has been convicted of a
26 crime in this or another state or in a territory of the United States
27 that involves sexual abuse of children or who is required to register
28 pursuant to Section 290 of the Penal Code or the equivalent in
29 another state or territory.

Amendment 41

30 ~~(f) This section shall become operative on January 1, 2016.~~
31 ~~SEC. 8.~~
+ *SEC. 9.* Section 4980.42 of the Business and Professions Code
32 is amended to read:
33 4980.42. (a) Trainees performing services in any work setting
34 specified in Section 4980.43.4 may perform those activities and
35 services as a trainee, provided that the activities and services
36 constitute part of the trainee's supervised course of study and that
37 the person is designated by the title "trainee."
39 (b) Trainees subject to Section 4980.37 may gain hours of
40 experience and counsel clients outside of the required practicum.
Page 10 1 This subdivision shall apply to hours of experience gained and
2 client counseling provided on and after January 1, 2012.
3 (c) Trainees subject to Section 4980.36 may gain hours of
4 experience outside of the required practicum but must be enrolled
5 in a practicum course to counsel clients. Trainees subject to Section
6 4980.36 may counsel clients while not enrolled in a practicum
7 course if the period of lapsed enrollment is less than 90 calendar
8 days, and if that period is immediately preceded by enrollment in
9 a practicum course and immediately followed by enrollment in a
10 practicum course or completion of the degree program.
11 (d) All hours of experience gained pursuant to subdivisions (b)
12 and (c) shall be subject to the other requirements of this chapter.
13 (e) All hours of experience gained as a trainee shall be
14 coordinated between the school and the site where the hours are
15 being accrued. The school shall approve each site and shall have

Amendment 42

Page 10 16 a written agreement with each site that details each party's
17 responsibilities, including the methods by which supervision shall
18 be provided. The agreement shall provide for regular progress
19 reports and evaluations of the student's performance at the site. If
20 an applicant has gained hours of experience while enrolled in an
21 institution other than the one that confers the qualifying degree, it
22 shall be the applicant's responsibility to provide to the board
23 satisfactory evidence that those hours of trainee experience were
24 gained in compliance with this section.

Amendment 43

26 ~~SEC. 9. Section 4980.43 of the Business and Professions Code is~~
27 ~~amended to read:~~
28 ~~4980.43. (a) To qualify for licensure as specified in Section~~
29 ~~4980.40, each applicant shall complete experience related to the~~
30 ~~practice of marriage and family therapy under a supervisor who~~
31 ~~meets the qualifications set forth in Section 4980.03. The~~
32 ~~experience shall comply with the following:~~
33 ~~(1) A minimum of 3,000 hours of supervised experience~~
34 ~~completed during a period of at least 104 weeks.~~
35 ~~(2) A maximum of 40 hours in any seven consecutive days.~~
36 ~~(3) A minimum of 1,700 hours obtained after the qualifying~~
37 ~~master's or doctoral degree was awarded.~~
38 ~~(4) A maximum of 1,300 hours obtained prior to the award date~~
39 ~~of the qualifying master's or doctoral degree.~~
+
Page 11 1 ~~(5) A maximum of 750 hours of counseling and direct supervisor~~
2 ~~contact prior to the award date of the qualifying master's or~~
3 ~~doctoral degree.~~
4 ~~(6) No hours of experience may be gained prior to completing~~
5 ~~either 12 semester units or 18 quarter units of graduate instruction.~~
6 ~~(7) Hours of experience shall not be gained more than six years~~
7 ~~prior to the date the application for licensure was received by the~~
8 ~~board, except that up to 500 hours of clinical experience gained~~
9 ~~in the supervised practicum required by subdivision (c) of Section~~
10 ~~4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)~~
11 ~~of Section 4980.36 shall be exempt from this six-year requirement.~~
13 ~~(8) A minimum of 1,750 hours of direct clinical counseling with~~
14 ~~individuals, groups, couples, or families, that includes not less than~~
15 ~~500 total hours of experience in diagnosing and treating couples,~~
16 ~~families, and children.~~

Page 11 17 ~~(9) A maximum of 1,250 hours of nonclinical practice,~~
18 ~~consisting of direct supervisor contact, administering and~~
19 ~~evaluating psychological tests, writing clinical reports, writing~~
20 ~~progress or process notes, client centered advocacy, and workshops,~~
21 ~~seminars, training sessions, or conferences directly related to~~
22 ~~marriage and family therapy that have been approved by the~~
23 ~~applicant's supervisor.~~
24 ~~(10) It is anticipated and encouraged that hours of experience~~
25 ~~will include working with elders and dependent adults who have~~
26 ~~physical or mental limitations that restrict their ability to carry out~~
27 ~~normal activities or protect their rights.~~
28 ~~This subdivision shall only apply to hours gained on and after~~
29 ~~January 1, 2010.~~
30 ~~(b) An individual who submits an application for licensure~~
31 ~~between January 1, 2016, and December 31, 2020, may~~
32 ~~alternatively qualify under the experience requirements of this~~
33 ~~section that were in place on January 1, 2015.~~
+ *SEC. 10. Section 4980.43 of the Business and Professions Code*
+ *is amended to read:*
+ 4980.43. (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~~ *Except as provided in subdivision (b), all*
+ *applicants shall have an active associate registration with the*
+ *board in order to gain postdegree hours of supervised experience.*
+ *(b) An applicant completing graduate study prior to January*
+ *1, 2021, shall be credited with postdegree hours of experience*
+ *toward licensure if the applicant applies for the associate*
+ *registration and the board receives the application within 90 days*
+ *of the granting of the qualifying degree and the applicant is*
+ *thereafter granted associate registration by the board. The*
+ *applicant shall not be employed or volunteer in a private practice*
+ *until he or she has been issued an associate registration by the*
+ *board.*
+ *(c) Supervised experience that is obtained for purposes of*
+ *qualifying for licensure shall be related to the practice of marriage*
+ *and family therapy and* 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~~ *Hours of experience shall not* be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction.
+ (7) ~~No hours of experience may be~~ *Hours of experience shall not have been* gained more than six years prior to the date the application for ~~examination eligibility was filed,~~ *licensure was 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)~~
+ *(d)* 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. Associates and trainees shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.~~
+ ~~(1) If employed, an intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure.~~
+ ~~(2) If volunteering, an intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure.~~
+ ~~(d) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (9) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:~~
+ ~~(1) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~
+ ~~(2) An individual supervised after being granted a qualifying degree shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact is gained in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~
+ ~~(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an~~

+ ~~individual basis or two hours per week of face-to-face contact in~~
+ ~~a group.~~
+ ~~(4) Direct supervisor contact shall occur within the same week~~
+ ~~as the hours claimed.~~
+ ~~(5) Direct supervisor contact provided in a group shall be~~
+ ~~provided in a group of not more than eight supervisees and in~~
+ ~~segments lasting no less than one continuous hour.~~
+ ~~(6) Notwithstanding paragraph (3), an intern working in a~~
+ ~~governmental entity, a school, a college, or a university, or an~~
+ ~~institution that is both nonprofit and charitable may obtain the~~
+ ~~required weekly direct supervisor contact via two-way, real-time~~
+ ~~videoconferencing. The supervisor shall be responsible for ensuring~~
+ ~~that client confidentiality is upheld.~~
+ ~~(7) All experience gained by a trainee shall be monitored by the~~
+ ~~supervisor as specified by regulation.~~
+ ~~(8) The six hours of supervision that may be credited during~~
+ ~~any single week pursuant to paragraphs (1) and (2) shall apply to~~
+ ~~supervision hours gained on or after January 1, 2009.~~
+ ~~(c) (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 (c), 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.~~

Page 11 35 ~~SEC. 10.~~ **Amendment 44**

+ *SEC. 11.* Section 4980.43.1 is added to the Business and
36 Professions Code, to read:

37 4980.43.1. (a) All trainees, associates, and applicants for
38 licensure shall b~~e at all times~~ under the supervision of a supervisor **Amendment 45**
39 ~~as specified in this chapter and by regulation.~~ *at all times.* **Amendment 46**

Page 12 1 (b) As used in this chapter, the term "supervision" means
2 responsibility for, and control of, the quality of *mental health and* **Amendments 47 & 48**
3 *related* services ~~being~~ provided by the supervisee. Consultation
4 or peer discussion shall not be considered supervision and shall
5 not qualify as supervised ~~experience.~~ **Amendment 49**
6 ~~(c)~~ *experience.* Supervision includes, but is not limited to, all
7 of the following:

Page 12

(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~~ *is* practicing and to the particular clientele being served. **Amendment 51**

(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. **Amendment 52** **Amendment 53**

(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. 11. Section 4980.43.2 is added to the Business and Professions Code, to read:~~ **Amendment 54**

~~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~~

Page 13

~~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. 12. Section 4980.43.3 is added to the Business and Professions Code, to read:

4980.43.3. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as

Page 13 10 described in paragraph (9) of subdivision (a) of Section 4980.43,
11 ~~supervision shall include at least one hour of direct supervisor~~
12 ~~contact in each week for which experience is credited in each work~~
13 ~~setting as follows:~~ *direct supervisor contact shall occur as follows:* **Amendment 55**
+ *(1) Supervision shall include at least one hour of direct*
+ *supervisor contact in each week for which experience is credited*
+ *in each work setting.*
14 ~~(1)~~ **Amendment 56**
+ *(2)* A trainee shall receive an average of at least one hour of
15 direct supervisor contact for every five hours of direct clinical
16 counseling ~~that is~~ performed *each week* in each setting. ~~No~~ *For* **Amendments 57, 58 & 59**
+ *experience gained on or after January 1, 2009, no* more than six
17 hours of supervision, whether ~~individual~~ *individual, triadic,* or **Amendment 60**
18 group, shall be credited during any single week.
20 ~~(2)~~ **Amendments 61 & 62**
+ *(3)* An associate gaining experience *who performs more than*
+ *10 hours of direct clinical counseling in a week in any setting* shall
21 receive at least one additional hour of direct supervisor contact ~~in~~ **Amendment 63**
22 ~~each week for which more than 10 hours of direct clinical~~
23 ~~counseling is performed in each~~ *for that* setting. ~~No~~ *For experience* **Amendment 64**
+ *gained on or after January 1, 2009, no* more than six hours of
24 supervision, whether ~~individual~~ *individual, triadic,* or group, shall **Amendment 65**
+ be credited during any single week. **Amendment 66**
+ *(4) Of the 104 weeks of required supervision, 52 weeks shall be*
+ *individual supervision, triadic supervision, or a combination of*
+ *both.*
30 (b) For purposes of this chapter, "one hour of direct supervisor
31 contact" means any of the following:
32 (1) Individual supervision, which means one hour of face-to-face
33 contact between one supervisor and one supervisee.
34 (2) Triadic supervision, which means one hour of face-to-face
35 contact between one supervisor and two supervisees.
36 (3) Group supervision, which means two hours of face-to-face
37 contact between one supervisor and no more than eight supervisees.
38 Segments of group supervision may be split into no less than one
39 continuous hour. *A supervisor shall ensure that the amount and* **Amendment 67**
+ *degree of supervision is appropriate for each supervisee.*
Page 14 1 (c) Direct supervisor contact shall occur within the same week
2 as the hours claimed.

Page 14

~~(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)~~

(d) 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~~ *federal and state laws* relating to confidentiality of patient health information.

Amendment 68

Amendments 69, 70 & 71

Amendment 72

Amendment 73

Amendment 74

~~(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)~~

(e) 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 *practice* 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.

Amendment 75

SEC. 13. 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 *mental health and related* services as an employee or~~as a volunteer.~~ *volunteer, and not as an independent contractor.* 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

Amendments 76 & 77

Amendment 78

Page 15

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. *While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.* **Amendment 79**

(1) If employed, an associate shall provide the ~~board~~ *board, upon application for licensure,* with copies of the ~~corresponding~~ W-2 tax forms for each year of experience ~~claimed upon application for licensure.~~ *claimed.* **Amendment 80** **Amendment 81** **Amendment 82**

(2) If volunteering, an associate shall provide the ~~board~~ *board, upon application for licensure,* 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.~~ **Amendment 83** **Amendment 84**

(b) (1) A trainee shall not perform services in a private practice. A trainee may be credited with supervised experience completed in ~~any~~ *a* setting that meets all of the following: **Amendment 85**

(A) Is not a private practice. **Amendment 86**

~~(A)~~ **Amendment 87**

(B) Lawfully and regularly provides mental health counseling or psychotherapy.

~~(B)~~ **Amendment 88**

(C) 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.~~ **Amendment 89**

(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: **Amendment 90**

~~(A)~~ **Amendment 91**

(1) Lawfully and regularly provides mental health counseling or psychotherapy.

~~(B)~~ **Amendment 92**

+ *(2)* Provides oversight to ensure that the associate's work at the
Page 15 32 setting meets the experience and supervision requirements in this
33 chapter and is within the scope of practice for the profession, as
34 defined in Section 4980.02.
35 ~~(2) While an associate may be either a paid employee or a~~ **Amendment 93**
36 ~~volunteer, employers are encouraged to provide fair remuneration.~~
37 (3) Only experience gained in the position for which the
38 associate volunteers or is employed shall qualify as supervised
39 experience.
Page 16 1 (4) An applicant for registration as an associate shall not be
2 employed or volunteer in a private practice until he or she has been
3 issued an associate registration by the board.
4 (d) Any experience obtained under the supervision of a spouse,
5 relative, or domestic partner shall not be credited toward the
6 required hours of supervised experience. Any experience obtained
7 under the supervision of a supervisor with whom the applicant has
8 had or currently has a personal, professional, or business
9 relationship that undermines the authority or effectiveness of the
10 supervision shall not be credited toward the required hours of
11 supervised experience.
12 (e) A trainee, associate, or applicant for licensure shall not
13 receive any remuneration from patients or clients and shall only
14 be paid by his or her ~~employer.~~ *employer, if an employee.* **Amendment 94**
15 (f) A trainee, associate, or applicant for licensure shall have no
16 proprietary interest in his or her employer's business and shall not
17 lease or rent space, pay for furnishings, equipment, or supplies, or
18 in any other way pay for the obligations of his or her employer.
19 (g) A trainee, associate, or applicant for licensure who provides
20 voluntary services in any lawful work setting other than a private
21 practice and who only receives reimbursement for expenses
22 actually incurred shall be considered an ~~employee and not an~~ **Amendment 95**
23 ~~independent contractor.~~ *employee.* The board may audit an
24 applicant for licensure who receives reimbursement for expenses
25 and the applicant for licensure shall have the burden of
26 demonstrating that the payment received was for reimbursement
27 of expenses actually incurred.
28 (h) A trainee, associate, or applicant for licensure who receives
29 a stipend or educational loan repayment from a program designed
30 to encourage demographically underrepresented groups to enter
31 the profession or to improve recruitment and retention in

Page 16 32 underserved regions or settings shall be considered an ~~employee~~ Amendment 96
33 ~~and not an independent contractor.~~ *employee.* The board may audit
34 an applicant who receives a stipend or educational loan repayment
35 and the applicant shall have the burden of demonstrating that the
36 payment received was for the specified purposes.
37 (i) ~~For purposes of paragraph (3) of subdivision (a) of Section~~ Amendment 97
38 ~~2990.5, an~~ *An* associate or a trainee ~~working under a licensed~~ Amendment 98
39 ~~supervisor, consistent with this chapter,~~ may provide services via
40 telehealth ~~within the scope authorized by this chapter and in~~ Amendment 99
Page 17 1 ~~accordance with any regulations governing the use of telehealth~~
2 ~~promulgated by the board.~~ *that are in the scope of practice outlined*
+ *in this chapter.*
3 (j) Each educational institution preparing applicants pursuant
4 to this chapter shall consider requiring, and shall encourage, its
5 students to undergo individual, marital, conjoint, family, or group
6 counseling or psychotherapy, as appropriate. Each supervisor shall
7 consider, advise, and encourage his or her associates and trainees
8 regarding the advisability of undertaking individual, marital,
9 conjoint, family, or group counseling or psychotherapy, as
10 appropriate. Insofar as it is deemed appropriate and is desired by
11 the applicant, educational institutions and supervisors are
12 encouraged to assist the applicant ~~in locating that~~ *to locate* Amendment 100
13 counseling or psychotherapy at a reasonable cost.
15 SEC. 14. Section 4980.43.6 is added to the Business and
16 Professions Code, to read:
17 4980.43.6. The board ~~shall have the right to~~ *may* audit the Amendment 101
18 records of any supervisor to verify the completion of the supervisor
19 qualifications specified by this chapter and by regulation. A
20 supervisor shall maintain records of completion of the required
21 supervisor qualifications for ~~a period of~~ seven years after Amendment 102
22 termination of *the* supervision and shall make these records Amendment 103
23 available to the board for auditing purposes upon request.
25 ~~SEC. 15. Section 4980.44 of the Business and Professions~~ Amendment 104
26 ~~Code is amended to read:~~
27 ~~4980.44. An unlicensed associate marriage and family therapist~~
28 ~~employed under this chapter shall comply with the following~~
29 ~~requirements:~~
30 ~~(a) Possess, at a minimum, a master's degree as specified in~~
31 ~~Section 4980.36 or 4980.37, as applicable.~~

Page 17 32 ~~(b) Register with the board prior to performing any duties,~~
33 ~~except as otherwise provided in subdivision (c) of Section~~
34 ~~4980.43.2.~~
35 ~~(c) Prior to performing any professional services, inform each~~
36 ~~client or patient that he or she is an unlicensed registered associate~~
37 ~~marriage and family therapist, provide his or her registration~~
38 ~~number and the name of his or her employer, and indicate whether~~
39 ~~he or she is under the supervision of a licensed marriage and family~~
40 ~~therapist, licensed clinical social worker, licensed professional~~
Page 18 1 ~~clinical counselor, licensed psychologist, or a licensed physician~~
2 ~~and surgeon certified in psychiatry by the American Board of~~
3 ~~Psychiatry and Neurology.~~
4 ~~(d) (1) Any advertisement by or on behalf of a registered~~
5 ~~associate marriage and family therapist shall include, at a~~
6 ~~minimum, all of the following information:~~
7 ~~(A) That he or she is a registered associate marriage and family~~
8 ~~therapist.~~
9 ~~(B) The associate's registration number.~~
10 ~~(C) The name of his or her employer.~~
11 ~~(D) That he or she is supervised by a licensed person.~~
12 ~~(2) The abbreviation "AMFT" shall not be used in an~~
13 ~~advertisement unless the title "registered associate marriage and~~
14 ~~family therapist" appears in the advertisement.~~
\+ *SEC. 15. Section 4980.44 of the Business and Professions Code*
\+ *is amended to read:*
\+ 4980.44. An ~~unlicensed~~ associate marriage and family therapist
\+ employed under this chapter shall comply with the following
\+ requirements:
\+ ~~(a) Possess, at a minimum, a master's degree as specified in~~
\+ ~~Section 4980.36 or 4980.37, as applicable.~~
\+ ~~(b) Register with the board prior to performing any duties,~~
\+ ~~except as otherwise provided in subdivision (h) of Section 4980.43.~~
\+ ~~(c) Prior~~
\+ *(a) Inform each client or patient prior* to performing any
\+ ~~professional services, inform each client or patient~~ *mental health*
\+ *and related services* that he or she is an unlicensed registered
\+ associate marriage and family 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,~~
+ *psychologist licensed pursuant to Chapter 6.6 (commencing with*
+ *Section 2900),* or a licensed physician and surgeon certified in
+ psychiatry by the American Board of Psychiatry and Neurology.
+ ~~(d)~~
+ *(b)* (1) Any advertisement by or on behalf of a registered
+ associate marriage and family therapist shall include, at a
+ minimum, all of the following information:
+ (A) That he or she is a registered associate marriage and family
+ therapist.
+ (B) The 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 "AMFT" shall not be used in an
+ advertisement unless the title "registered associate marriage and
+ family therapist" appears in the advertisement.

Page 18 16 SEC. 16. Section 4980.45 of the Business and Professions
17 Code is amended and renumbered to read:
18 4980.43.5. (a) A trainee, associate, or applicant for licensure
19 shall only perform *mental health and related* services at the ~~place~~ **Amendments 105 & 106**
20 *places* where his or her employer regularly conducts business and **Amendment 107**
21 ~~services, which may include performing services at other locations~~
22 ~~as long as the services are performed under the direction and~~
23 ~~control of his or her employer and his or her supervisor and in~~
24 ~~compliance with the laws and regulations pertaining to supervision.~~
+ *services.*
25 ~~(b) Except for periods of time during a supervisor's vacation or~~ **Amendment 108**
26 ~~sick leave, an associate who is employed or volunteering in private~~
27 ~~practice shall be under the direct supervision of a supervisor who~~
28 ~~is either employed by, and practices at the same site as, the~~
29 ~~associate's employer or is an owner or shareholder of the private~~
30 ~~practice.~~
+ *(b) An associate who is employed or volunteering in a private*
+ *practice shall be supervised by an individual who is employed by,*
+ *and shall practice at the same site as, the associate's employer.*
+ *Alternatively, the supervisor may be an owner of the private*
+ *practice. However, if the site is incorporated, the supervisor must*
+ *be employed full-time at the site and be actively engaged in*
+ *performing professional services at the site.*

Page 18 31 (c) A ~~licensed professional in private practice who has satisfied~~
32 ~~the requirements of subdivision (g) of Section 4980.03 may~~
33 ~~supervise or employ;~~ *supervisor at a private practice or a*
+ *corporation shall not supervise more than a total of three*
+ *supervisees* at any one ~~time, no more than a total of three~~
34 ~~individuals registered as an associate marriage and family therapist,~~
35 ~~an associate professional clinical counselor, or an associate clinical~~
36 ~~social worker in that private practice.~~ *time. Supervisees may be*
+ *registered as an associate marriage and family therapist, an*
+ *associate professional clinical counselor, or an associate clinical*
+ *social worker.*

Amendment 109

Amendment 110

37 ~~(d) All of the following limits shall apply to marriage and family~~
38 ~~therapy corporations:~~
39 ~~(1) A marriage and family therapy corporation may retain, at~~
40 ~~any one time, no more than a total of three employees, volunteers,~~
Page 19 1 ~~or a combination of employees and volunteers, registered as an~~
2 ~~associate marriage and family therapist, an associate professional~~
3 ~~clinical counselor, or an associate clinical social worker for each~~
4 ~~supervising employee or shareholder who has satisfied the~~
5 ~~requirements of subdivision (g) of Section 4980.03.~~
7 ~~(2) In no event shall any marriage and family therapy~~
8 ~~corporation retain, at any one time, more than a total of 15~~
9 ~~employees, volunteers, or a combination of employees and~~
10 ~~volunteers, registered as an associate marriage and family therapist,~~
11 ~~an associate professional clinical counselor, or an associate clinical~~
12 ~~social worker.~~
13 ~~(3) In no event shall any supervisor supervise, at any one time,~~
14 ~~more than a total of three employees, volunteers, or a combination~~
15 ~~of employees and volunteers, registered as either an associate~~
16 ~~marriage and family therapist, an associate professional clinical~~
17 ~~counselor, or an associate clinical social worker. A person who~~
18 ~~supervises an employee or volunteer registered as either an~~
19 ~~associate marriage and family therapist, an associate professional~~
20 ~~clinical counselor, or an associate clinical social worker shall be~~
21 ~~employed full time by the marriage and family therapy corporation~~
22 ~~and shall be actively engaged in performing professional services~~
23 ~~at and for the marriage and family therapy corporation.~~
25 ~~(4) Employment and supervision within a marriage and family~~
26 ~~therapy corporation shall be subject to all laws and regulations~~

Amendment 111

Page 19 27 ~~governing experience and supervision gained in a private practice~~
28 ~~setting.~~
29 ~~(e)~~ **Amendment 112**
+ *(d)* In a setting that is not a private ~~practice, a written~~ *practice:*
30 *(1) A written oversight* agreement, as specified by regulation,
31 shall be executed between the supervisor and employer when the
32 supervisor is not employed by the supervisee's employer or is a
+ volunteer.
33 ~~(f) In any setting that is not a private practice, a supervisor~~ **Amendment 113**
34 *(2) A supervisor* shall evaluate the site or sites where a trainee
35 or associate will be gaining ~~hours of~~ experience ~~toward licensure~~ **Amendments 114 & 115**
36 ~~and shall determine both of the following:~~ *to determine that the*
+ *site or sites comply with the requirements set forth in this chapter.*
37 ~~(1) That the site or sites provide experience that is within the~~ **Amendment 116**
38 ~~scope of practice of a marriage and family therapist.~~
39 ~~(2) That the experience is in compliance with the requirements~~
40 ~~set forth in this chapter and regulation.~~
Page 20 1 ~~(g)~~
+ *(e)* Alternative supervision may be arranged during a
2 supervisor's vacation or sick leave if the alternative supervision
3 meets the requirements in this chapter and regulation.
4 SEC. 17. Section 4980.50 of the Business and Professions
5 Code is amended to read:
6 ~~4980.50. Effective January 1, 2016, the following shall apply:~~ **Amendment 117**
7 ~~(a) Every~~
+ *4980.50. (a) Every* applicant who meets the educational and
8 experience requirements and applies for a license as a marriage
9 and family therapist shall be examined by the board. The
10 examinations shall be as set forth in subdivision (d) of Section
11 4980.40. The examinations shall be given at least twice a year at
12 a time and place and under supervision as the board may determine.
13 The board shall examine the candidate with regard to his or her
14 knowledge and professional skills and his or her judgment in the
15 utilization of appropriate techniques and methods.
16 (b) The board shall not deny any ~~applicant,~~ *applicant* who has **Amendment 118**
17 submitted a complete application for examination, admission to
18 the licensure examinations required by this section if the applicant
19 meets the educational and experience requirements of this chapter,
20 and has not committed any acts or engaged in any conduct that
21 would constitute grounds to deny licensure.

Page 20 22 (c) The board shall not deny any applicant, whose application
23 for licensure is complete, admission to the clinical examination,
24 nor shall the board postpone or delay any applicant's clinical
25 examination or delay informing the candidate of the results of the
26 clinical examination, solely upon the receipt by the board of a
27 complaint alleging acts or conduct that would constitute grounds
28 to deny licensure.
29 (d) If an applicant for examination who has passed the California
30 law and ethics examination is the subject of a complaint or is under
31 board investigation for acts or conduct that, if proven to be true,
32 would constitute grounds for the board to deny licensure, the board
33 shall permit the applicant to take the clinical examination for
34 licensure, but may withhold the results of the examination or notify
35 the applicant that licensure will not be granted pending completion
36 of the investigation.
37 (e) Notwithstanding Section 135, the board may deny any
38 applicant who has previously failed either the California law and
39 ethics examination or the clinical examination permission to retake
40 either examination pending completion of the investigation of any
Page 21 1 complaints against the applicant. Nothing in this section shall
2 prohibit the board from denying an applicant admission to any
3 examination, withholding the results, or refusing to issue a license
4 to any applicant when an accusation or statement of issues has
5 been filed against the applicant pursuant to Sections 11503 and
6 11504 of the Government Code, respectively, or the applicant has
7 been denied in accordance with subdivision (b) of Section 485.
8 (f) Notwithstanding any other provision of law, the board may
9 destroy all examination materials two years following the date of
10 an examination.
11 (g) ~~Effective January 1, 2016, an~~ *An* applicant for licensure shall
12 not be eligible to participate in the clinical examination if he or
13 she fails to obtain a passing score on the clinical examination
14 within seven years from his or her initial attempt, unless he or she
15 takes and obtains a passing score on the current version of the
16 California law and ethics examination.
17 (h) A passing score on the clinical examination shall be accepted
18 by the board for a period of seven years from the date the
19 examination was taken.

Amendment 119

Page 21 20 (i) An applicant for licensure who has qualified pursuant to this
21 chapter shall be issued a license as a marriage and family therapist
22 in the form that the board deems appropriate.
23 ~~(j) This section shall become operative on January 1, 2016.~~ | Amendment 120
25 SEC. 18. Section 4980.78 of the Business and Professions
26 Code is amended to read:
27 4980.78. (a) This section applies to persons who apply for
28 licensure or registration~~ on or after January 1, 2016,~~ and who do | Amendment 121
29 not hold a license as described in Section 4980.72.
30 (b) For purposes of Section 4980.74, education is substantially
31 equivalent if all of the following requirements are met:
32 (1) The degree is obtained from a school, college, or university
33 accredited by a regional or national institutional accrediting agency
34 that is recognized by the United States Department of Education
35 and consists of, at a minimum, the following:
36 (A) (i) For an applicant who obtained his or her degree within
37 the timeline prescribed by subdivision (a) of Section 4980.36, the
38 degree shall contain no less than 60 semester or 90 quarter units
39 of instruction.
Page 22 1 (ii) Up to 12 semester or 18 quarter units of instruction may be
2 remediated, if missing from the degree. The remediation may occur
3 while the applicant is registered as an associate.
4 (B) For an applicant who obtained his or her degree within the
5 timeline prescribed by subdivision (a) of Section 4980.37, the
6 degree shall contain no less than 48 semester units or 72 quarter
7 units of instruction.
8 (C) Six semester or nine quarter units of practicum, including,
9 but not limited to, a minimum of 150 hours of face-to-face
10 experience counseling individuals, couples, families, or groups,
11 and an additional 75 hours of either face-to-face experience
12 counseling individuals, couples, families, or groups or client
13 centered advocacy, or a combination of face-to-face experience
14 counseling individuals, couples, families, or groups and client
15 centered advocacy.
16 (D) Twelve semester or 18 quarter units in the areas of marriage,
17 family, and child counseling and marital and family systems
18 approaches to treatment, as specified in subparagraph (A) of
19 paragraph (1) of subdivision (d) of Section 4980.36.
20 (2) The applicant shall complete coursework in California law
21 and ethics as follows:

Page 22 22 (A) An applicant who completed a course in law and
23 professional ethics for marriage and family therapists as specified
24 in paragraph (8) of subdivision (a) of Section 4980.81, that did not
25 contain instruction in California law and ethics, shall complete an
26 18-hour course in California law and professional ethics. The
27 content of the course shall include, but not be limited to,
28 advertising, scope of practice, scope of competence, treatment of
29 minors, confidentiality, dangerous patients, psychotherapist-patient
30 privilege, recordkeeping, patient access to records, state and federal
31 laws relating to confidentiality of patient health information, dual
32 relationships, child abuse, elder and dependent adult abuse, online
33 therapy, insurance reimbursement, civil liability, disciplinary
34 actions and unprofessional conduct, ethics complaints and ethical
35 standards, termination of therapy, standards of care, relevant family
36 law, therapist disclosures to patients, differences in legal and ethical
37 standards in different types of work settings, and licensing law
38 and licensing process. This coursework shall be completed prior
39 to registration as an associate.

Page 23 1 (B) An applicant who has not completed a course in law and
2 professional ethics for marriage and family therapists as specified
3 in paragraph (8) of subdivision (a) of Section 4980.81 shall
4 complete this required coursework. The coursework shall contain
5 content specific to California law and ethics. This coursework shall
6 be completed prior to registration as an associate.
7 (3) The applicant completes the educational requirements
8 specified in Section 4980.81 not already completed in his or her
9 education. The coursework may be from an accredited school,
10 college, or university as specified in paragraph (1), from an
11 educational institution approved by the Bureau for Private
12 Postsecondary Education, or from a continuing education provider
13 that is acceptable to the board as defined in Section 4980.54.
14 Undergraduate courses shall not satisfy this requirement.
15 (4) The applicant completes the following coursework not
16 already completed in his or her education from an accredited
17 school, college, or university as specified in paragraph (1) from
18 an educational institution approved by the Bureau for Private
19 Postsecondary Education, or from a continuing education provider
20 that is acceptable to the board as defined in Section 4980.54.
21 Undergraduate courses shall not satisfy this requirement.

Page 23 22 (A) At least three semester units, or 45 hours, of instruction
23 regarding the principles of mental health recovery-oriented care
24 and methods of service delivery in recovery-oriented practice
25 environments, including structured meetings with various
26 consumers and family members of consumers of mental health
27 services to enhance understanding of their experience of mental
28 illness, treatment, and recovery.
29 (B) At least one semester unit, or 15 hours, of instruction that
30 includes an understanding of various California cultures and the
31 social and psychological implications of socioeconomic position.
32 (5) An applicant may complete any units and course content
33 requirements required under paragraphs (3) and (4) not already
34 completed in his or her education while registered as an associate,
35 unless otherwise specified.
36 (6) The applicant's degree title need not be identical to that
37 required by subdivision (b) of Section 4980.36.
39 SEC. 19. Section 4980.79 of the Business and Professions
40 Code is amended to read:

Page 24 1 4980.79. (a) This section applies to persons ~~who apply for~~ **Amendment 122**
2 ~~licensure or registration on or after January 1, 2016, and~~ who hold
3 a license as described in Section 4980.72.
4 (b) For purposes of Section 4980.72, education is substantially
5 equivalent if all of the following requirements are met:
6 (1) The degree is obtained from a school, college, or university
7 accredited by a regional or national institutional accrediting agency
8 recognized by the United States Department of Education and
9 consists of, at a minimum, the following:
10 (A) (i) For an applicant who obtained his or her degree within
11 the timeline prescribed by subdivision (a) of Section 4980.36, the
12 degree shall contain no less than 60 semester or 90 quarter units
13 of instruction.
14 (ii) Up to 12 semester or 18 quarter units of instruction may be
15 remediated, if missing from the degree. The remediation may occur
16 while the applicant is registered as an associate.
17 (B) For an applicant who obtained his or her degree within the
18 timeline prescribed by subdivision (a) of Section 4980.37, the
19 degree shall contain no less than 48 semester or 72 quarter units
20 of instruction.
21 (C) Six semester or nine quarter units of practicum, including,
22 but not limited to, a minimum of 150 hours of face-to-face

Page 24 23 experience counseling individuals, couples, families, or groups,
24 and an additional 75 hours of either face-to-face experience
25 counseling individuals, couples, families, or groups or client
26 centered advocacy, or a combination of face-to-face experience
27 counseling individuals, couples, families, or groups and client
28 centered advocacy.
29 (i) An out-of-state applicant who has been licensed for at least
30 two years in clinical practice, as verified by the board, is exempt
31 from this requirement.
32 (ii) An out-of-state applicant who has been licensed for less
33 than two years in clinical practice, as verified by the board, who
34 does not meet the practicum requirement, shall remediate it by
35 obtaining 150 hours of face-to-face experience counseling
36 individuals, couples, families, or groups, and an additional 75
37 hours of either face-to-face experience counseling individuals,
38 couples, families, or groups or client centered advocacy, or a
39 combination of face-to-face experience counseling individuals,
40 couples, families, or groups and client centered advocacy. These
Page 25 1 hours are in addition to the 3,000 hours of experience required by
2 this chapter, and shall be gained while registered as an associate.
3 (D) Twelve semester or 18 quarter units in the areas of marriage,
4 family, and child counseling and marital and family systems
5 approaches to treatment, as specified in subparagraph (A) of
6 paragraph (1) of subdivision (d) of Section 4980.36.
7 (2) An applicant shall complete coursework in California law
8 and ethics as follows:
9 (A) An applicant who completed a course in law and
10 professional ethics for marriage and family therapists as specified
11 in paragraph (8) of subdivision (a) of Section 4980.81 that did not
12 include instruction in California law and ethics, shall complete an
13 18-hour course in California law and professional ethics. The
14 content of the course shall include, but not be limited to,
15 advertising, scope of practice, scope of competence, treatment of
16 minors, confidentiality, dangerous patients, psychotherapist-patient
17 privilege, recordkeeping, patient access to records, state and federal
18 laws relating to confidentiality of patient health information, dual
19 relationships, child abuse, elder and dependent adult abuse, online
20 therapy, insurance reimbursement, civil liability, disciplinary
21 actions and unprofessional conduct, ethics complaints and ethical
22 standards, termination of therapy, standards of care, relevant family

Page 25 23 law, therapist disclosures to patients, differences in legal and ethical
24 standards in different types of work settings, and licensing law
25 and licensing process. This coursework shall be completed prior
26 to registration as an associate.
27 (B) An applicant who has not completed a course in law and
28 professional ethics for marriage and family therapists as specified
29 in paragraph (8) of subdivision (a) of Section 4980.81 shall
30 complete this required coursework. The coursework shall include
31 content specific to California law and ethics. An applicant shall
32 complete this coursework prior to registration as an associate.
33 (3) The applicant completes the educational requirements
34 specified in Section 4980.81 not already completed in his or her
35 education. The coursework may be from an accredited school,
36 college, or university as specified in paragraph (1), from an
37 educational institution approved by the Bureau for Private
38 Postsecondary Education, or from a continuing education provider
39 that is acceptable to the board as defined in Section 4980.54.
40 Undergraduate coursework shall not satisfy this requirement.
Page 26 1 (4) The applicant completes the following coursework not
2 already completed in his or her education from an accredited
3 school, college, or university as specified in paragraph (1) above,
4 from an educational institution approved by the Bureau for Private
5 Postsecondary Education, or from a continuing education provider
6 that is acceptable to the board as defined in Section 4980.54.
7 Undergraduate coursework shall not satisfy this requirement.
8 (A) At least three semester units, or 45 hours, of instruction
9 pertaining to the principles of mental health recovery-oriented care
10 and methods of service delivery in recovery-oriented practice
11 environments, including structured meetings with various
12 consumers and family members of consumers of mental health
13 services to enhance understanding of their experience of mental
14 illness, treatment, and recovery.
15 (B) At least one semester unit, or 15 hours, of instruction that
16 includes an understanding of various California cultures and the
17 social and psychological implications of socioeconomic position.
18 (5) An applicant's degree title need not be identical to that
19 required by subdivision (b) of Section 4980.36.
20 (6) An applicant may complete any units and course content
21 requirements required under paragraphs (3) and (4) not already

Page 26 22 completed in his or her education while registered as an associate,
23 unless otherwise specified.
25 SEC. 20. Section 4982 of the Business and Professions Code
26 is amended to read:
27 4982. The board may deny a license or registration or may
28 suspend or revoke the license or registration of a licensee or
29 registrant if he or she has been guilty of unprofessional conduct.
30 Unprofessional conduct includes, but is not limited to, the
31 following:
32 (a) The conviction of a crime substantially related to the
33 qualifications, functions, or duties of a licensee or registrant under
34 this chapter. The record of conviction shall be conclusive evidence
35 only of the fact that the conviction occurred. The board may inquire
36 into the circumstances surrounding the commission of the crime
37 in order to fix the degree of discipline or to determine if the
38 conviction is substantially related to the qualifications, functions,
39 or duties of a licensee or registrant under this chapter. A plea or
40 verdict of guilty or a conviction following a plea of nolo contendere
Page 27 1 made to a charge substantially related to the qualifications,
2 functions, or duties of a licensee or registrant under this chapter
3 shall be deemed to be a conviction within the meaning of this
4 section. The board may order any license or registration suspended
5 or revoked, or may decline to issue a license or registration when
6 the time for appeal has elapsed, or the judgment of conviction has
7 been affirmed on appeal, or, when an order granting probation is
8 made suspending the imposition of sentence, irrespective of a
9 subsequent order under Section 1203.4 of the Penal Code allowing
10 the person to withdraw a plea of guilty and enter a plea of not
11 guilty, or setting aside the verdict of guilty, or dismissing the
12 accusation, information, or indictment.
13 (b) Securing a license or registration by fraud, deceit, or
14 misrepresentation on any application for licensure or registration
15 submitted to the board, whether engaged in by an applicant for a
16 license or registration, or by a licensee in support of any application
17 for licensure or registration.
18 (c) Administering to himself or herself any controlled substance
19 or using of any of the dangerous drugs specified in Section 4022,
20 or of any alcoholic beverage to the extent, or in a manner, as to be
21 dangerous or injurious to the person applying for a registration or
22 license or holding a registration or license under this chapter, or

Page 27 23 to any other person, or to the public, or, to the extent that the use
24 impairs the ability of the person applying for or holding a
25 registration or license to conduct with safety to the public the
26 practice authorized by the registration or license. The board shall
27 deny an application for a registration or license or revoke the
28 license or registration of any person, other than one who is licensed
29 as a physician and surgeon, who uses or offers to use drugs in the
30 course of performing marriage and family therapy services.
31 (d) Gross negligence or incompetence in the performance of
32 marriage and family therapy.
33 (e) Violating, attempting to violate, or conspiring to violate any
34 of the provisions of this chapter or any regulation adopted by the
35 board.
36 (f) Misrepresentation as to the type or status of a license or
37 registration held by the person, or otherwise misrepresenting or
38 permitting misrepresentation of his or her education, professional
39 qualifications, or professional affiliations to any person or entity.
Page 28 1 (g) Impersonation of another by any licensee, registrant, or
2 applicant for a license or registration, or, in the case of a licensee,
3 allowing any other person to use his or her license or registration.
4 (h) Aiding or abetting, or employing, directly or indirectly, any
5 unlicensed or unregistered person to engage in conduct for which
6 a license or registration is required under this chapter.
7 (i) Intentionally or recklessly causing physical or emotional
8 harm to any client.
9 (j) The commission of any dishonest, corrupt, or fraudulent act
10 substantially related to the qualifications, functions, or duties of a
11 licensee or registrant.
12 (k) Engaging in sexual relations with a client, or a former client
13 within two years following termination of therapy, soliciting sexual
14 relations with a client, or committing an act of sexual abuse, or
15 sexual misconduct with a client, or committing an act punishable
16 as a sexually related crime, if that act or solicitation is substantially
17 related to the qualifications, functions, or duties of a marriage and
18 family therapist.
19 (*l*) Performing, or holding oneself out as being able to perform,
20 or offering to perform, or permitting any trainee, registered
21 associate, or applicant *for licensure* under supervision to perform, | **Amendment 123**
22 any professional services beyond the scope of the license authorized
23 by this chapter.

Page 28 24 (m) Failure to maintain confidentiality, except as otherwise
25 required or permitted by law, of all information that has been
26 received from a client in confidence during the course of treatment
27 and all information about the client that is obtained from tests or
28 other means.
29 (n) Prior to the commencement of treatment, failing to disclose
30 to the client or prospective client the fee to be charged for the
31 professional services, or the basis upon which that fee will be
32 computed.
33 (o) Paying, accepting, or soliciting any consideration,
34 compensation, or remuneration, whether monetary or otherwise,
35 for the referral of professional clients. All consideration,
36 compensation, or remuneration shall be in relation to professional
37 counseling services actually provided by the licensee. Nothing in
38 this subdivision shall prevent collaboration among two or more
39 licensees in a case or cases. However, no fee shall be charged for
Page 29 1 that collaboration, except when disclosure of the fee has been made
2 in compliance with subdivision (n).
3 (p) Advertising in a manner that is false, fraudulent, misleading,
4 or deceptive, as defined in Section 651.
5 (q) Reproduction or description in public, or in any publication
6 subject to general public distribution, of any psychological test or
7 other assessment device, the value of which depends in whole or
8 in part on the naivete of the subject, in ways that might invalidate
9 the test or device.
10 (r) Any conduct in the supervision of any registered associate,
11 trainee, or applicant *for licensure* by any licensee that violates **Amendment 124**
12 this chapter or any rules or regulations adopted by the board.
14 (s) Performing or holding oneself out as being able to perform
15 ~~professional~~ *mental health* services beyond the scope of one's **Amendment 125**
16 competence, as established by one's education, training, or
17 experience. This subdivision shall not be construed to expand the
18 scope of the license authorized by this chapter.
19 (t) Permitting a trainee, registered associate, or applicant *for* **Amendment 126**
20 *licensure* under one's supervision or control to perform, or
21 permitting the trainee, registered associate, or applicant *for* **Amendment 127**
22 *licensure* to hold himself or herself out as competent to perform,
23 ~~professional~~ *mental health* services beyond the trainee's, registered **Amendment 128**
24 associate's, or ~~applicant's~~ *applicant for licensure's* level of **Amendment 129**
25 education, training, or experience.

98

Page 29 26 (u) The violation of any statute or regulation governing the
27 gaining and supervision of experience required by this chapter.
28 (v) Failure to keep records consistent with sound clinical
29 judgment, the standards of the profession, and the nature of the
30 services being rendered.
31 (w) Failure to comply with the child abuse reporting
32 requirements of Section 11166 of the Penal Code.
33 (x) Failure to comply with the elder and dependent adult abuse
34 reporting requirements of Section 15630 of the Welfare and
35 Institutions Code.
36 (y) Willful violation of Chapter 1 (commencing with Section
37 123100) of Part 1 of Division 106 of the Health and Safety Code.
38 (z) Failure to comply with Section 2290.5.
39 (aa) (1) Engaging in an act described in Section 261, 286, 288a,
40 or 289 of the Penal Code with a minor or an act described in
Page 30 1 Section 288 or 288.5 of the Penal Code regardless of whether the
2 act occurred prior to or after the time the registration or license
3 was issued by the board. An act described in this subdivision
4 occurring prior to the effective date of this subdivision shall
5 constitute unprofessional conduct and shall subject the licensee to
6 refusal, suspension, or revocation of a license under this section.
7 (2) The Legislature hereby finds and declares that protection of
8 the public, and in particular minors, from sexual misconduct by a
9 licensee is a compelling governmental interest, and that the ability
10 to suspend or revoke a license for sexual conduct with a minor
11 occurring prior to the effective date of this section is equally
12 important to protecting the public as is the ability to refuse a license
13 for sexual conduct with a minor occurring prior to the effective
14 date of this section.
15 (ab) Engaging in any conduct that subverts or attempts to subvert
16 any licensing examination or the administration of an examination
17 as described in Section 123.
19 SEC. 21. Section 4982.15 of the Business and Professions
20 Code is amended to read:
21 4982.15. (a) The board may place a license or registration on
22 probation under the following circumstances:
23 (1) In lieu of, or in addition to, any order of the board suspending
24 or revoking the license or registration of any licensee or associate.

Page 30 25 (2) Upon the issuance of a license to an individual who has been
26 guilty of unprofessional conduct, but who had otherwise completed
27 all education and training and experience required for licensure.
28 (3) As a condition upon the reissuance or reinstatement of any
29 license that has been suspended or revoked by the board.
30 (b) The board may adopt regulations establishing a monitoring
31 program to ensure compliance with any terms or conditions of
32 probation imposed by the board pursuant to subdivision (a). The
33 cost of probation or monitoring may be ordered to be paid by the
34 licensee, registrant, or applicant.
35 (c) The board, in its discretion, may require any licensee or
36 registrant who has been placed on probation, or whose license or
37 registration has been suspended, to obtain additional professional
38 training, and to pass an examination upon completion of that
39 training, and to pay any necessary examination fee. The
Page 31 1 examination may be written, oral, or a practical or clinical
2 examination.
4 SEC. 22. Section 4984.01 of the Business and Professions
5 Code is amended to read:
6 4984.01. (a) The associate marriage and family therapist
7 registration shall expire one year from the last day of the month
8 in which it was issued.
9 (b) To renew the registration, the registrant shall, on or before
10 the expiration date of the registration, complete all of the following
11 actions:
12 (1) Apply for renewal on a form prescribed by the board.
13 (2) Pay a renewal fee prescribed by the board.
14 (3) Participate in the California law and ethics examination
15 pursuant to Section 4980.399 each year until successful completion
16 of this examination.
17 (4) Notify the board whether he or she has been convicted, as
18 defined in Section 490, of a misdemeanor or felony, and whether
19 any disciplinary action has been taken against him or her by a
20 regulatory or licensing board in this or any other state subsequent
21 to the last renewal of the registration.
22 (c) The registration may be renewed a maximum of five times.
23 No registration shall be renewed or reinstated beyond six years
24 from the last day of the month during which it was issued,
25 regardless of whether it has been revoked. When no further
26 renewals are possible, an applicant may apply for and obtain a

Page 31 27 subsequent associate registration number if the applicant meets
28 the educational requirements for ~~registration in effect at the time~~ Amendment 130
29 ~~of the application for~~ a subsequent associate registration number
30 and has passed the California law and ethics ~~examination described~~ Amendment 131
31 ~~in Section 4980.399.~~ *examination.* An applicant who is issued a
32 subsequent associate registration number pursuant to this
33 subdivision shall not be employed or volunteer in a private practice.
34 ~~(d) This section shall become operative on January 1, 2016.~~ Amendment 132
36 ~~SEC. 23. Section 4984.7 of the Business and Professions Code~~ Amendment 133
37 ~~is amended to read:~~
38 ~~4984.7. (a) The board shall assess the following fees relating~~
39 ~~to the licensure of marriage and family therapists:~~
Page 32 1 ~~(1) The application fee for an associate registration shall be~~
2 ~~seventy-five dollars ($75).~~
3 ~~(2) The renewal fee for an associate registration shall be~~
4 ~~seventy-five dollars ($75).~~
5 ~~(3) The fee for the application for examination eligibility shall~~
6 ~~be one hundred dollars ($100).~~
7 ~~(4) The fee for the clinical examination shall be one hundred~~
8 ~~dollars ($100). The fee for the California law and ethics~~
9 ~~examination shall be one hundred dollars ($100).~~
10 ~~(A) An applicant who fails to appear for an examination, after~~
11 ~~having been scheduled to take the examination, shall forfeit the~~
12 ~~examination fee.~~
13 ~~(B) The amount of the examination fees shall be based on the~~
14 ~~actual cost to the board of developing, purchasing, and grading~~
15 ~~each examination and the actual cost to the board of administering~~
16 ~~each examination. The examination fees shall be adjusted~~
17 ~~periodically by regulation to reflect the actual costs incurred by~~
18 ~~the board.~~
19 ~~(5) The fee for rescoring an examination shall be twenty dollars~~
20 ~~($20).~~
21 ~~(6) The fee for issuance of an initial license shall be a maximum~~
22 ~~of one hundred eighty dollars ($180).~~
23 ~~(7) The fee for license renewal shall be a maximum of one~~
24 ~~hundred eighty dollars ($180).~~
25 ~~(8) The fee for inactive license renewal shall be a maximum of~~
26 ~~ninety dollars ($90).~~

Page 32 27 ~~(9) The renewal delinquency fee shall be a maximum of ninety~~
28 ~~dollars ($90). A person who permits his or her license to expire is~~
29 ~~subject to the delinquency fee.~~
30 ~~(10) The fee for issuance of a replacement registration, license,~~
31 ~~or certificate shall be twenty dollars ($20).~~
32 ~~(11) The fee for issuance of a certificate or letter of good~~
33 ~~standing shall be twenty-five dollars ($25).~~
34 ~~(12) The fee for issuance of a retired license shall be forty dollars~~
35 ~~($40).~~
36 ~~(b) With regard to license, examination, and other fees, the~~
37 ~~board shall establish fee amounts at or below the maximum~~
38 ~~amounts specified in this chapter.~~
39 ~~(c) This section shall become operative on January 1, 2016.~~
+ *SEC. 23. 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 associate registration shall be
+ seventy-five dollars ($75).
+ (2) The renewal fee for an associate registration shall be
+ seventy-five dollars ($75).
+ (3) The fee for the application for licensure 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 *the* 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 *the* fee amounts at or below the maximum
+ amounts specified in this chapter.

Page 33

1 SEC. 24. Section 4992.05 of the Business and Professions
2 Code is amended to read:
3 4992.05. (a) ~~Effective January 1, 2016, a~~ *A* registrant or an **Amendment 134**
4 applicant for licensure as a clinical social worker shall pass the
5 following two examinations as prescribed by the board:
6 (1) A California law and ethics examination.
7 (2) A clinical examination.
8 (b) Upon registration with the board, an associate clinical social
9 worker~~ registrant shall,~~ *registrant,* within the first year of **Amendments 135 & 136**
10 registration, *shall* take an examination on California law and ethics.
11 (c) A registrant or an applicant for licensure may take the clinical
12 examination only upon meeting all of the following requirements:
14 (1) Completion of all education requirements.
15 (2) Passage of the California law and ethics examination.
16 (3) Completion of all required supervised work experience.
17 ~~(d) This section shall become operative on January 1, 2016.~~ **Amendment 137**
18 SEC. 25. Section 4992.09 of the Business and Professions
19 Code is amended to read:
20 4992.09. (a) Except as provided in subdivision (a) of Section
21 4992.07, an applicant and registrant shall obtain a passing score
22 on a board-administered California law and ethics examination in
23 order to qualify for licensure.

Page 33 24 (b) A registrant shall participate in a board-administered
25 California law and ethics examination prior to his or her registration
26 renewal.
27 ~~(c) Notwithstanding subdivision (b), an applicant who holds a~~ **Amendment 138**
28 ~~registration eligible for renewal, with an expiration date no later~~
29 ~~than June 30, 2016, and who applies for renewal of that registration~~
30 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~
31 ~~allowed to renew the registration without first participating in the~~
32 ~~California law and ethics examination. These applicants shall~~
33 ~~participate in the California law and ethics examination in the next~~
34 ~~renewal cycle, and shall pass the examination prior to licensure or~~
35 ~~issuance of a subsequent registration number, as specified in this~~
36 ~~section.~~
37 ~~(d)~~
+ *(c)* If an applicant fails the California law and ethics
38 examination, he or she may retake the examination, upon payment
39 of the required fees, without further application except for as
40 provided in subdivision ~~(c)~~. *(d)*. **Amendment 139**
Page 34 1 ~~(e)~~ **Amendment 140**
+ *(d)* If a registrant fails to obtain a passing score on the California
2 law and ethics examination ~~described in subdivision (a)~~ within his **Amendment 141**
3 or her renewal period on or after the operative date of this section,
4 he or she shall complete, at a minimum, a 12-hour course in
5 California law and ethics in order to be eligible to participate in
6 the California law and ethics examination. Registrants shall only
7 take the 12-hour California law and ethics course once during a
8 renewal period. The 12-hour law and ethics course required by
9 this section shall be taken through a continuing education provider,
10 as specified by the board by regulation, a county, state or
11 governmental entity, or a college or university.
12 ~~(f)~~ **Amendment 142**
13 *(e)* The board shall not issue a subsequent registration number
14 unless the applicant has passed the California law and ethics
+ examination.
15 ~~(g) Notwithstanding subdivision (f), an applicant who holds or~~ **Amendment 143**
16 ~~has held a registration, with an expiration date no later than January~~
17 ~~1, 2017, and who applies for a subsequent registration number~~
18 ~~between January 1, 2016, and January 1, 2017, shall, if eligible,~~
19 ~~be allowed to obtain the subsequent registration number without~~
20 ~~first passing the California law and ethics examination. These~~

Page 34 21 ~~applicants shall pass the California law and ethics examination~~
22 ~~during the next renewal period or prior to licensure, whichever~~
23 ~~occurs first.~~
24 ~~(h) This section shall become operative on January 1, 2016.~~
26 SEC. 26. Section 4992.3 of the Business and Professions Code
27 is amended to read:
28 4992.3. The board may deny a license or a registration, or may
29 suspend or revoke the license or registration of a licensee or
30 registrant if he or she has been guilty of unprofessional conduct.
31 Unprofessional conduct includes, but is not limited to, the
32 following:
33 (a) The conviction of a crime substantially related to the
34 qualifications, functions, or duties of a licensee or registrant under
35 this chapter. The record of conviction shall be conclusive evidence
36 only of the fact that the conviction occurred. The board may inquire
37 into the circumstances surrounding the commission of the crime
38 in order to fix the degree of discipline or to determine if the
39 conviction is substantially related to the qualifications, functions,
40 or duties of a licensee or registrant under this chapter. A plea or
Page 35 1 verdict of guilty or a conviction following a plea of nolo contendere
2 made to a charge substantially related to the qualifications,
3 functions, or duties of a licensee or registrant under this chapter
4 is a conviction within the meaning of this section. The board may
5 order any license or registration suspended or revoked, or may
6 decline to issue a license or registration when the time for appeal
7 has elapsed, or the judgment of conviction has been affirmed on
8 appeal, or, when an order granting probation is made suspending
9 the imposition of sentence, irrespective of a subsequent order under
10 Section 1203.4 of the Penal Code allowing the person to withdraw
11 a plea of guilty and enter a plea of not guilty, or setting aside the
12 verdict of guilty, or dismissing the accusation, information, or
13 indictment.
14 (b) Securing a license or registration by fraud, deceit, or
15 misrepresentation on any application for licensure or registration
16 submitted to the board, whether engaged in by an applicant for a
17 license or registration, or by a licensee in support of any application
18 for licensure or registration.
19 (c) Administering to himself or herself any controlled substance
20 or using any of the dangerous drugs specified in Section 4022 or
21 any alcoholic beverage to the extent, or in a manner, as to be

Page 35 22 dangerous or injurious to the person applying for a registration or
23 license or holding a registration or license under this chapter, or
24 to any other person, or to the public, or, to the extent that the use
25 impairs the ability of the person applying for or holding a
26 registration or license to conduct with safety to the public the
27 practice authorized by the registration or license. The board shall
28 deny an application for a registration or license or revoke the
29 license or registration of any person who uses or offers to use drugs
30 in the course of performing clinical social work. This provision
31 does not apply to any person also licensed as a physician and
32 surgeon under Chapter 5 (commencing with Section 2000) or the
33 Osteopathic Act who lawfully prescribes drugs to a patient under
34 his or her care.
35 (d) Incompetence in the performance of clinical social work.
36 (e) An act or omission that falls sufficiently below the standard
37 of conduct of the profession as to constitute an act of gross
38 negligence.
39 (f) Violating, attempting to violate, or conspiring to violate this
40 chapter or any regulation adopted by the board.
Page 36 1 (g) Misrepresentation as to the type or status of a license or
2 registration held by the person, or otherwise misrepresenting or
3 permitting misrepresentation of his or her education, professional
4 qualifications, or professional affiliations to any person or entity.
5 For purposes of this subdivision, this misrepresentation includes,
6 but is not limited to, misrepresentation of the person's
7 qualifications as an adoption service provider pursuant to Section
8 8502 of the Family Code.
9 (h) Impersonation of another by any licensee, registrant, or
10 applicant for a license or registration, or, in the case of a licensee,
11 allowing any other person to use his or her license or registration.
12 (i) Aiding or ~~abetting~~ *abetting,* or employing, directly or | **Amendment 144**
13 indirectly, any unlicensed or unregistered person to engage in
14 conduct for which a license or registration is required under this
+ chapter.
15 (j) Intentionally or recklessly causing physical or emotional
16 harm to any client.
17 (k) The commission of any dishonest, corrupt, or fraudulent act
18 substantially related to the qualifications, functions, or duties of a
19 licensee or registrant.

Page 36 20 (*l*) Engaging in sexual relations with a client or with a former
21 client within two years from the termination date of therapy with
22 the client, soliciting sexual relations with a client, or committing
23 an act of sexual abuse, or sexual misconduct with a client, or
24 committing an act punishable as a sexually related crime, if that
25 act or solicitation is substantially related to the qualifications,
26 functions, or duties of a clinical social worker.
27 (m) Performing, or holding oneself out as being able to perform,
28 or offering to perform or permitting, any registered associate,
29 trainee, or applicant *for licensure* under supervision to perform
30 any professional services beyond the scope of the license authorized
31 by this chapter.
32 (n) Failure to maintain confidentiality, except as otherwise
33 required or permitted by law, of all information that has been
34 received from a client in confidence during the course of treatment
35 and all information about the client that is obtained from tests or
36 other means.
37 (o) Prior to the commencement of treatment, failing to disclose
38 to the client or prospective client the fee to be charged for the
39 professional services, or the basis upon which that fee will be
40 computed.
Page 37 1 (p) Paying, accepting, or soliciting any consideration,
2 compensation, or remuneration, whether monetary or otherwise,
3 for the referral of professional clients. All consideration,
4 compensation, or remuneration shall be in relation to professional
5 counseling services actually provided by the licensee. Nothing in
6 this subdivision shall prevent collaboration among two or more
7 licensees in a case or cases. However, no fee shall be charged for
8 that collaboration, except when disclosure of the fee has been made
9 in compliance with subdivision (o).
10 (q) Advertising in a manner that is false, fraudulent, misleading,
11 or deceptive, as defined in Section 651.
12 (r) Reproduction or description in public, or in any publication
13 subject to general public distribution, of any psychological test or
14 other assessment device, the value of which depends in whole or
15 in part on the naivete of the subject, in ways that might invalidate
16 the test or device. A licensee shall limit access to that test or device
17 to persons with professional interest who are expected to safeguard
18 its use.

Amendment 145

Page 37 19 (s) Any conduct in the supervision of any registered ~~associate~~ Amendment 146
20 ~~clinical social worker, associate, or trainee by any licensee~~
+ *associate, trainee, or applicant for licensure by any licensee* that
21 violates this chapter or any rules or regulations adopted by the
22 board.
23 (t) Performing or holding oneself out as being able to perform
24 ~~professional~~ *mental health* services beyond the scope of one's Amendment 147
25 competence, as established by one's education, training, or
26 experience. This subdivision shall not be construed to expand the
27 scope of the license authorized by this chapter.
28 (u) Permitting an applicant for licensure, trainee, or registrant
29 under one's supervision or control to perform, or permitting the
30 supervisee to hold himself or herself out as competent to perform,
31 ~~professional~~ *mental health* services beyond the supervisee's level Amendment 148
32 of education, training, or experience.
33 (v) The violation of any law ~~or regulation~~ governing the gaining Amendment 149
34 or supervision of experience required by this chapter.
35 (w) Failure to keep records consistent with sound clinical
36 judgment, the standards of the profession, and the nature of the
37 services being rendered.
38 (x) Failure to comply with the child abuse reporting
39 requirements of Section 11166 of the Penal Code.
Page 38 1 (y) Failure to comply with the elder and dependent adult abuse
2 reporting requirements of Section 15630 of the Welfare and
3 Institutions Code.
4 (z) Willful violation of Chapter 1 (commencing with Section
5 123100) of Part 1 of Division 106 of the Health and Safety Code.
6 (aa) Failure to comply with Section 2290.5.
7 (ab) (1) Engaging in an act described in Section 261, 286, 288a,
8 or 289 of the Penal Code with a minor or an act described in
9 Section 288 or 288.5 of the Penal Code regardless of whether the
10 act occurred prior to or after the time the registration or license
11 was issued by the board. An act described in this subdivision
12 occurring prior to the effective date of this subdivision shall
13 constitute unprofessional conduct and shall subject the licensee to
14 refusal, suspension, or revocation of a license under this section.
15 (2) The Legislature hereby finds and declares that protection of
16 the public, and in particular minors, from sexual misconduct by a
17 licensee is a compelling governmental interest, and that the ability
18 to suspend or revoke a license for sexual conduct with a minor

Page 38 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.

(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.

Amendment 150

~~SEC. 27. 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 3,000 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.~~

Page 39 19 ~~(2) Completion of the following coursework or training in or~~
20 ~~out of this state:~~
21 ~~(A) A minimum of seven contact hours of training or coursework~~
22 ~~in child abuse assessment and reporting as specified in Section 28,~~
23 ~~and any regulations promulgated thereunder.~~
24 ~~(B) A minimum of 10 contact hours of training or coursework~~
25 ~~in human sexuality as specified in Section 25, and any regulations~~
26 ~~promulgated thereunder.~~
27 ~~(C) A minimum of 15 contact hours of training or coursework~~
28 ~~in alcoholism and other chemical substance dependency, as~~
29 ~~specified by regulation.~~
30 ~~(D) A minimum of 15 contact hours of coursework or training~~
31 ~~in spousal or partner abuse assessment, detection, and intervention~~
32 ~~strategies.~~
33 ~~(3) Commencing January 1, 2014, completion of an 18-hour~~
34 ~~course in California law and professional ethics. The content of~~
35 ~~the course shall include, but not be limited to, the following:~~
36 ~~advertising, scope of practice, scope of competence, treatment of~~
37 ~~minors, confidentiality, dangerous patients, psychotherapist-patient~~
38 ~~privilege, recordkeeping, patient access to records, state and federal~~
39 ~~laws related to confidentiality of patient health information, dual~~
40 ~~relationships, child abuse, elder and dependent adult abuse, online~~
Page 40 1 ~~therapy, insurance reimbursement, civil liability, disciplinary~~
2 ~~actions and unprofessional conduct, ethics complaints and ethical~~
3 ~~standards, termination of therapy, standards of care, relevant family~~
4 ~~law, therapist disclosures to patients, differences in legal and ethical~~
5 ~~standards in different types of work settings, and licensing law~~
6 ~~and process.~~
7 ~~(4) The applicant's license is not suspended, revoked, restricted,~~
8 ~~sanctioned, or voluntarily surrendered in any state.~~
9 ~~(5) The applicant is not currently under investigation in any~~
10 ~~other state, and has not been charged with an offense for any act~~
11 ~~substantially related to the practice of social work by any public~~
12 ~~agency, entered into any consent agreement or been subject to an~~
13 ~~administrative decision that contains conditions placed by an~~
14 ~~agency upon an applicant's professional conduct or practice,~~
15 ~~including any voluntary surrender of license, or been the subject~~
16 ~~of an adverse judgment resulting from the practice of social work~~
17 ~~that the board determines constitutes evidence of a pattern of~~
18 ~~incompetence or negligence.~~

Page 40 19 ~~(6) The applicant shall provide a certification from each state~~
20 ~~where he or she holds a license pertaining to licensure, disciplinary~~
21 ~~action, and complaints pending.~~
22 ~~(7) The applicant is not subject to denial of licensure under~~
23 ~~Section 480, 4992.3, 4992.35, or 4992.36.~~
24 ~~(c) The board may issue a license to any person who, at the time~~
25 ~~of application, holds a valid, active clinical social work license~~
26 ~~issued by a board of clinical social work examiners or a~~
27 ~~corresponding authority of any state, if the person has held that~~
28 ~~license for at least four years immediately preceding the date of~~
29 ~~application, the person passes, or has passed, the licensing~~
30 ~~examinations as specified in Section 4996.1, and the person pays~~
31 ~~the required fees. Issuance of the license is conditioned upon all~~
32 ~~of the following:~~
33 ~~(1) Completion of the following coursework or training in or~~
34 ~~out of state:~~
35 ~~(A) A minimum of seven contact hours of training or coursework~~
36 ~~in child abuse assessment and reporting as specified in Section 28,~~
37 ~~and any regulations promulgated thereunder.~~
38 ~~(B) A minimum of 10 contact hours of training or coursework~~
39 ~~in human sexuality as specified in Section 25, and any regulations~~
40 ~~promulgated thereunder.~~
Page 41 1 ~~(C) A minimum of 15 contact hours of training or coursework~~
2 ~~in alcoholism and other chemical substance dependency, as~~
3 ~~specified by regulation.~~
4 ~~(D) A minimum of 15 contact hours of coursework or training~~
5 ~~in spousal or partner abuse assessment, detection, and intervention~~
6 ~~strategies.~~
7 ~~(2) Commencing January 1, 2014, completion of an 18-hour~~
8 ~~course in California law and professional ethics. The content of~~
9 ~~the course shall include, but not be limited to, the following:~~
10 ~~advertising, scope of practice, scope of competence, treatment of~~
11 ~~minors, confidentiality, dangerous patients, psychotherapist-patient~~
12 ~~privilege, recordkeeping, patient access to records, state and federal~~
13 ~~laws related to confidentiality of patient health information, dual~~
14 ~~relationships, child abuse, elder and dependent adult abuse, online~~
15 ~~therapy, insurance reimbursement, civil liability, disciplinary~~
16 ~~actions and unprofessional conduct, ethics complaints and ethical~~
17 ~~standards, termination of therapy, standards of care, relevant family~~
18 ~~law, therapist disclosures to patients, differences in legal and ethical~~

Page 41 19 ~~standards in different types of work settings, and licensing law~~
20 ~~and process.~~
21 ~~(3) The applicant has been licensed as a clinical social worker~~
22 ~~continuously for a minimum of four years prior to the date of~~
23 ~~application.~~
24 ~~(4) The applicant's license is not suspended, revoked, restricted,~~
25 ~~sanctioned, or voluntarily surrendered in any state.~~
26 ~~(5) The applicant is not currently under investigation in any~~
27 ~~other state, and has not been charged with an offense for any act~~
28 ~~substantially related to the practice of social work by any public~~
29 ~~agency, entered into any consent agreement or been subject to an~~
30 ~~administrative decision that contains conditions placed by an~~
31 ~~agency upon an applicant's professional conduct or practice,~~
32 ~~including any voluntary surrender of license, or been the subject~~
33 ~~of an adverse judgment resulting from the practice of social work~~
34 ~~that the board determines constitutes evidence of a pattern of~~
35 ~~incompetence or negligence.~~
36 ~~(6) The applicant provides a certification from each state where~~
37 ~~he or she holds a license pertaining to licensure, disciplinary action,~~
38 ~~and complaints pending.~~
39 ~~(7) The applicant is not subject to denial of licensure under~~
40 ~~Section 480, 4992.3, 4992.35, or 4992.36.~~
Page 42 1 ~~(d) Commencing January 1, 2016, an applicant who obtained~~
2 ~~his or her license or registration under another jurisdiction may~~
3 ~~apply for licensure with the board without taking the clinical~~
4 ~~examination specified in Section 4996.1 if the applicant obtained~~
5 ~~a passing score on the licensing examination set forth in regulation~~
6 ~~as accepted by the board.~~
\+ *SEC. 27. 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~~ *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 clinical social work license issued by
+ a board of clinical social work examiners or corresponding
+ authority of any state, if the person passes, or has passed, the
+ licensing examinations as specified in Section 4996.1 and pays
+ the required fees. Issuance of the license is conditioned upon all
+ of the following:
+ (1) The applicant has supervised experience that is substantially
+ the equivalent of that required by this chapter. If the applicant has
+ less than 3,200 hours of qualifying supervised experience, time
+ actively licensed as a clinical social worker shall be accepted at a
+ rate of 100 hours per month up to a maximum of 1,200 hours.
+ (2) Completion of the following coursework or training in or
+ out of this state:
+ (A) A minimum of seven contact hours of training or coursework
+ in child abuse assessment and reporting as specified in Section 28,
+ and any regulations promulgated thereunder.
+ (B) A minimum of 10 contact hours of training or coursework
+ in human sexuality as specified in Section 25, and any regulations
+ promulgated thereunder.
+ (C) A minimum of 15 contact hours of training or coursework
+ in alcoholism and other chemical substance dependency, as
+ specified by regulation.
+ (D) A minimum of 15 contact hours of coursework or training
+ in spousal or partner abuse assessment, detection, and intervention
+ strategies.
+ (3) ~~Commencing January 1, 2014, completion~~ *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 in good standing and 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 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.

98

+ (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~~ *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 in good standing and 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) 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 both of the following conditions are met:
+ (1) The applicant obtained a passing score on the clinical
+ licensing examination set forth in regulation as accepted by the
+ board.
+ (2) The applicant's license or registration in that jurisdiction is
+ active, in good standing at the time of his or her application, and
+ is not revoked, suspended, surrendered, denied, or otherwise
+ restricted or encumbered.

Page 42 8 SEC. 28. Section 4996.18 of the Business and Professions
9 Code is amended to read:

10 4996.18. (a) ~~A person who wishes to be credited with~~ Amendment 151
11 ~~experience toward licensure requirements shall register with the~~
12 ~~board as an associate clinical social worker prior to obtaining that~~
13 ~~experience. The application shall be made on a form prescribed~~
14 ~~by the board.~~ *All applicants shall have an active registration with*
+ *the board as an associate clinical social worker in order to gain*
+ *hours of supervised experience.*

15 (b) An applicant for registration shall satisfy the following
16 requirements:
17 (1) Possess a master's degree from an accredited school or
18 department of social work.
19 (2) Have committed no crimes or acts constituting grounds for
20 denial of licensure under Section 480.
21 (3) ~~Commencing January 1, 2014, have~~ *Have* completed training Amendment 152
22 or coursework, which may be embedded within more than one
23 course, in California law and professional ethics for clinical social
24 workers, including instruction in all of the following areas of study:
25 (A) Contemporary professional ethics and statutes, regulations,
26 and court decisions that delineate the scope of practice of clinical
27 social work.

Page 42 28 (B) The therapeutic, clinical, and practical considerations
29 involved in the legal and ethical practice of clinical social work,
30 including, but not limited to, family law.
31 (C) The current legal patterns and trends in the mental health
32 professions.
33 (D) The psychotherapist-patient privilege, confidentiality,
34 dangerous patients, and the treatment of minors with and without
35 parental consent.
36 (E) A recognition and exploration of the relationship between
37 a practitioner's sense of self and human values, and his or her
38 professional behavior and ethics.
39 (F) Differences in legal and ethical standards for different types
40 of work settings.
Page 43 1 (G) Licensing law and process.
2 (c) An applicant who possesses a master's degree from a school
3 or department of social work that is a candidate for accreditation
4 by the Commission on Accreditation of the Council on Social
5 Work Education shall be eligible, and shall be required, to register
6 as an associate clinical social worker in order to gain experience
7 toward licensure if the applicant has not committed any crimes or
8 acts that constitute grounds for denial of licensure under Section
9 480. That applicant shall not, however, be eligible to take the
10 clinical examination until the school or department of social work
11 has received accreditation by the Commission on Accreditation
12 of the Council on Social Work Education.
13 (d) An applicant who possesses a master's degree from an
14 accredited school or department of social work shall be able to
15 apply experience the applicant obtained during the time the
16 accredited school or department was in candidacy status by the
17 Commission on Accreditation of the Council on Social Work
18 Education toward the licensure requirements, if the experience
19 meets the requirements of Section 4996.23. This subdivision shall
20 apply retroactively to persons who possess a master's degree from
21 an accredited school or department of social work and who
22 obtained experience during the time the accredited school or
23 department was in candidacy status by the Commission on
24 Accreditation of the Council on Social Work Education.
25 (e) An applicant for registration or licensure trained in an
26 educational institution outside the United States shall demonstrate
27 to the satisfaction of the board that he or she possesses a master's

Page 43 28 of social work degree that is equivalent to a master's degree issued
29 from a school or department of social work that is accredited by
30 the Commission on Accreditation of the Council on Social Work
31 Education. These applicants shall provide the board with a
32 comprehensive evaluation of the degree and shall provide any
33 other documentation the board deems necessary. The board has
34 the authority to make the final determination as to whether a degree
35 meets all requirements, including, but not limited to, course
36 requirements regardless of evaluation or accreditation.
37 (f) All applicants *for licensure* and registrants shall be at all **Amendment 153**
38 times under the supervision of a supervisor who shall be
39 responsible for ensuring that the extent, kind, and quality of
40 counseling performed is consistent with the training and experience
Page 44 1 of the person being supervised and who shall be responsible to the
2 board for compliance with all ~~laws, rules, and regulations~~ *laws* **Amendment 154**
3 governing the practice of clinical social work.
4 (g) All applicants and registrants shall inform each client or
5 patient prior to performing any professional services that he or she
6 is unlicensed and is under the supervision of a licensed
7 professional.
9 SEC. 29. Section 4996.20 is added to the Business and
10 Professions Code, to read:
11 4996.20. (a) "Supervisor," as used in this chapter, means an
12 individual who meets ~~the requirements set forth in this chapter and~~ **Amendment 155**
13 ~~by regulation. The requirements include, but are not limited to, all~~
14 ~~of the following:~~ *all of the following requirements:*
15 (1) Has ~~been actively licensed in this state or has held an active~~ **Amendment 156**
16 ~~equivalent license in any other state as a licensed~~ *held an active*
+ *license for at least two years within the five-year period*
+ *immediately preceding any supervision as either:*
17 *(A) A licensed* professional clinical counselor, licensed marriage **Amendment 157**
18 and family therapist, ~~licensed clinical psychologist,~~ *psychologist* **Amendment 158**
+ *licensed pursuant to Chapter 6.6 (commencing with Section 2900),*
19 licensed clinical social ~~worker, or licensed physician~~ *worker, or*
+ *equivalent out-of-state license.*
+ *(B) A physician* and surgeon who is certified in psychiatry by
20 the American Board of Psychiatry and ~~Neurology, for at least two~~ **Amendment 159**
21 ~~years of the past five years immediately prior to commencing any~~
22 ~~supervision.~~ *Neurology or an out-of-state licensed physician and*

+ *surgeon who is certified in psychiatry by the American Board of*
+ *Psychiatry and Neurology.*

Page 44 23 (2) ~~Has~~ *For at least two years within the five-year period*
+ *immediately preceding any supervision, has either* practiced
24 psychotherapy or provided direct clinical supervision of
+ *psychotherapy performed by* associate clinical social workers,
25 associate marriage and family therapists or trainees, or associate
26 professional clinical ~~counselors, who perform psychotherapy, for~~
27 ~~at least two years within the five-year period immediately~~
28 ~~preceding any supervision.~~ *counselors.* Supervision of
+ *psychotherapy performed by a* social work ~~students enrolled in an~~
29 ~~accredited master's or doctoral program who perform~~
30 ~~psychotherapy or professional clinical counselor trainees who~~
+ ~~perform psychotherapy~~ *intern or a professional clinical counselor*
31 *trainee* shall be accepted ~~toward the required two years~~ if the
32 supervision provided ~~to the students~~ is substantially equivalent to
33 the supervision required for registrants.
34 (3) Has received ~~professional~~ training in supervision as specified
35 in this chapter and by regulation.
36 (4) Has not provided therapeutic services to the supervisee.
37 (5) Has and maintains a current and active ~~California license~~
38 ~~that is not under suspension or probation.~~ *license that is not under*
+ *suspension or probation as one of the following:*
39 ~~(6) Complies with supervision requirements established by this~~
40 ~~chapter and by board regulations.~~
+ *(A) A marriage and family therapist, professional clinical*
+ *counselor, or clinical social worker, issued by the board.*
+ *(B) A psychologist licensed pursuant to Chapter 6.6*
+ *(commencing with Section 2900).*
+ *(C) A physician and surgeon who is certified in psychiatry by*
+ *the American Board of Psychiatry and Neurology.*
+ *(6) Is not a spouse, domestic partner, or relative of the*
+ *supervisee.*
+ *(7) Does not currently have or previously had a personal,*
+ *professional, or business relationship with the supervisee that*
+ *undermines the authority or effectiveness of the supervision.*

Page 45 1 (b) ~~"Supervision," for purposes of this chapter,~~ *As used in this*
2 *chapter, the term "supervision"* means responsibility for, and
+ control of, the quality of *mental health and related* services ~~being~~
3 provided by the supervisee. Consultation or peer discussion shall

Amendment 160
Amendment 161
Amendment 162
Amendments 163 & 164
Amendment 165
Amendment 166
Amendment 167
Amendment 168
Amendment 169
Amendment 170
Amendments 171 & 172

98

Page 45 4 not be considered supervision and shall not qualify as supervised
5 experience.
6 ~~(c) Supervision~~ **Amendment 173**
7 *"Supervision"* includes, but is not limited to, all of the following:
8 (1) Ensuring ~~that~~ the extent, kind, and quality of counseling **Amendment 174**
9 performed is consistent with the education, training, and experience
10 of the supervisee.
11 (2) Monitoring and evaluating the supervisee's assessment,
12 diagnosis, and treatment decisions and providing regular feedback.
13 (3) Monitoring and evaluating the supervisee's ability to provide
14 services ~~to the particular clientele being served at the site or sites~~ **Amendment 175**
15 ~~where he or she will be practicing.~~ *at the site or sites where he or*
\+ *she is practicing and to the particular clientele being served.*
16 (4) Monitoring ~~for~~ and addressing clinical dynamics, including, **Amendment 176**
17 but not limited to, countertransference-, intrapsychic-,
18 interpersonal-, or trauma-related issues that may affect the
19 supervisory or the practitioner-patient relationship.
20 (5) Ensuring the supervisee's compliance with laws and
21 regulations governing the practice of clinical social work.
22 (6) Reviewing the supervisee's progress notes, process notes,
23 and other patient treatment records, as deemed appropriate by the
24 supervisor.
25 (7) With the client's written consent, providing direct
26 observation or review of audio or video recordings of the
27 supervisee's counseling or therapy, as deemed appropriate by the
28 supervisor.
30 SEC. 30. Section 4996.21 is added to the Business and
31 Professions Code, to read:
32 4996.21. The board ~~shall have the right to~~ *may* audit the records **Amendment 177**
33 of any supervisor to verify the completion of the supervisor
34 qualifications specified by this chapter and by regulation. A
35 supervisor shall maintain records of completion of the required
36 supervisor qualifications for ~~a period of~~ seven years after **Amendment 178**
37 termination of supervision and shall make these records available
38 to the board for auditing purposes upon request.
Page 46 2 ~~SEC. 31. Section 4996.23 of the Business and Professions~~
3 ~~Code is amended to read:~~
4 ~~4996.23. (a) To qualify for licensure as specified in Section~~
5 ~~4996.2, each applicant shall complete 3,000 hours of post-master's~~
6 ~~degree supervised experience related to the practice of clinical~~

Page 46

~~social 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 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 1,000 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 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 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.~~

Page 47

~~(c) The six hours of supervision that may be credited during any single week pursuant to paragraph (7) of subdivision (a) shall apply only to supervision hours gained on or after January 1, 2010.~~

+ *SEC. 31. 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,~~ *licensure,* each applicant shall complete ~~3,200~~ *3,000* hours of post-master's degree supervised experience related to the practice of clinical social work. *Experience shall not be gained until the applicant is registered as an associate clinical social worker.* The experience shall ~~comply with the following:~~ *be as follows:*

+ (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.~~ *physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), or licensed clinical social worker.*

+ (2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or ~~counseling.~~ *counseling; however, at least 750 hours shall be face-to-face individual or group psychotherapy provided in the context of clinical social work services.*

+ (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)~~

+ *(4)* 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~~

+ *(5) No more* than 40 hours *of experience may be credited* in any ~~week.~~ *seven consecutive days.*

+ *(6) For hours gained on or after January 1, 2010, no more than*
+ *six hours of supervision, whether individual, triadic, or group*
+ *supervision, 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) The six hours of supervision that may be credited during~~
+ ~~any single week pursuant to paragraph (3) shall apply only to~~
+ ~~supervision hours gained on or after January 1, 2010.~~
+ ~~(6) Group supervision shall be provided in a group of not more~~
+ ~~than eight supervisees and shall be provided in segments lasting~~
+ ~~no less than one continuous hour.~~

+ ~~(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.~~

+ ~~(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.~~

+ ~~(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.~~

+ ~~(f) Experience shall only be gained in a setting that meets both of the following:~~

+ ~~(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.~~

+ ~~(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.~~

+ ~~(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.~~

+ ~~(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.~~

+ ~~(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

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

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

98

+ ~~(l) If employed, the associate shall provide the board with copies~~
+ ~~of his or her W-2 tax forms for each year of experience claimed~~
+ ~~upon application for licensure.~~
+ ~~(m) While an associate may be either a paid employee or~~
+ ~~volunteer, employers are encouraged to provide fair remuneration~~
+ ~~to associates.~~
+ ~~(n) An associate shall not do the following:~~
+ ~~(1) Receive any remuneration from patients or clients and shall~~
+ ~~only be paid by his or her employer.~~
+ ~~(2) Have any proprietary interest in the employer's business.~~
+ ~~(3) Lease or rent space, pay for furnishings, equipment, or~~
+ ~~supplies, or in any other way pay for the obligations of his or her~~
+ ~~employer.~~
+ ~~(o) An associate, whether employed or volunteering, may obtain~~
+ ~~supervision from a person not employed by the associate's~~
+ ~~employer if that person has signed a written agreement with the~~
+ ~~employer to take supervisory responsibility for the associate's~~
+ ~~social work services.~~
+ ~~(p) Notwithstanding any other provision of law, associates and~~
+ ~~applicants for examination shall receive a minimum of one hour~~
+ ~~of supervision per week for each setting in which he or she is~~
+ ~~working.~~

Page 47

5 SEC. 32. Section 4996.23.1 is added to the Business and
6 Professions Code, to read:

Amendment 180

7 4996.23.1. (a) ~~For~~ *Except for experience gained by attending*
+ *workshops, seminars, training sessions, or conferences, as*
+ *described in paragraph (3) of subdivision (a) of Section 4996.23,*
+ *direct supervisor contact shall occur as follows:*
+ *(1) Supervision shall include at least one hour of direct*
+ *supervisor contact each week for which experience is credited in*
+ *each work setting.*
+ *(2) An associate gaining experience who performs more than*
+ *10 hours of direct clinical counseling in a week in any setting shall*
+ *receive at least one additional hour of direct supervisor contact*
+ *for that setting.*
8 *(b) For* purposes of this chapter, "one hour of direct supervisor
+ contact" means any of the following:
9 (1) Individual supervision, which means one hour of face-to-face
10 contact between one supervisor and one supervisee.

Page 47

(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. *A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.* **Amendment 181**

~~(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.~~ **Amendment 182**

(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.~~ **Amendment 183**

~~(g)~~ **Amendment 184**

(f) Notwithstanding subdivision ~~(a),~~ *(b),* an associate clinical social worker working ~~for~~ *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~~ *laws* relating to confidentiality of patient health information. **Amdts 185, 186, 187 & 188** **Amendment 189** **Amendment 190**

Page 48

~~(h)~~ **Amendment 191**

(g) 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 *practice* setting in **Amendment 192**

Page 48

which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as ~~defined~~ *described* in paragraph (3) of subdivision (a) of Section 4996.23, shall be at the supervisor's discretion.

SEC. 33. 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 *for licensure* shall only perform *mental health and related* services as an employee or as a ~~volunteer.~~ *volunteer, not as an independent contractor.* The requirements of this chapter regarding ~~gaining~~ hours of experience and supervision shall apply equally to employees and volunteers. An 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 4996.9, as an independent contractor. *While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.*

(1) If employed, an associate shall provide the ~~board~~ *board, upon application for licensure,* with copies of the corresponding W-2 tax forms for each year of experience ~~claimed upon application for licensure.~~ *claimed.*

(2) If volunteering, an associate shall provide the ~~board~~ *board, upon application for licensure,* 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,~~ *psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900),* 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:

Amendment 193

Amendment 194
Amendments 195 & 196

Amendment 197

Amendment 198

Amendment 199

Amendment 200

Amendment 201

Amendment 202

Amendment 203

Amendment 204

98

Page 48 39 (1) Lawfully and regularly provides clinical social work, mental
40 health counseling, or psychotherapy.
Page 49 1 (2) Provides oversight to ensure that the associate's work at the
2 setting meets the experience and supervision requirements set forth
3 in this chapter and is within the scope of practice for the profession
4 as defined in Section 4996.9.
5 ~~(e) While an associate clinical social worker may be either a~~ Amendment 205
6 ~~paid employee or a volunteer, employers are encouraged to provide~~
7 ~~fair remuneration.~~
8 ~~(f)~~
+ *(e)* Only experience gained in the position for which the
9 associate clinical social worker volunteers or is employed shall
10 qualify as supervised experience.
11 ~~(g)~~ Amendment 206
+ *(f)* Any experience obtained under the supervision of a spouse
12 or relative by blood or marriage shall not be credited toward the
13 required hours of supervised experience. Any experience obtained
14 under the supervision of a supervisor with whom the applicant has
15 had or currently has a personal, professional, or business
16 relationship that undermines the authority or effectiveness of the
17 supervision shall not be credited toward the required hours of
18 supervised experience.
19 ~~(h) An associate or applicant shall not do any of the following:~~ Amendment 207
20 ~~(1) Receive any remuneration from patients or clients and shall~~
21 ~~only be paid by his or her employer.~~
22 ~~(2) Have any proprietary interest in his or her employer's~~
23 ~~business.~~
24 ~~(3) Lease or rent space, pay for furnishings, equipment, or~~
25 ~~supplies, or in any other way pay for the obligations of his or her~~
26 ~~employer.~~
27 ~~(i)~~
+ *(g)* An associate clinical social worker or applicant for licensure
28 who provides voluntary services in any lawful work setting other
29 than a private practice and who only receives reimbursement for
30 expenses actually incurred shall be considered an ~~employee and~~ Amendment 208
31 ~~not an independent contractor.~~ *employee.* The board may audit an
32 applicant for licensure who receives reimbursement for expenses
33 and the applicant shall have the burden of demonstrating that the
34 payments received were for reimbursement of expenses actually
+ incurred.

98

Page 49 35 ~~(j)~~

\+ *(h)* An associate clinical social worker or applicant for licensure
36 who receives a stipend or educational loan repayment from a
37 program designed to encourage demographically underrepresented
38 groups to enter the profession or to improve recruitment and
39 retention in underserved regions or settings shall be considered an
40 ~~employee and not an independent contractor.~~ *employee.* The board **Amendment 210**
Page 50 1 may audit an applicant who receives a stipend or educational loan
2 repayment and the applicant shall have the burden of demonstrating
3 that the payments received were for the specified purposes.

Amendment 209

\+ *(i) An associate or applicant for licensure shall not receive any* **Amendment 211**
\+ *remuneration from patients or clients and shall only be paid by*
\+ *his or her employer, if an employee.*
\+ *(j) An 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.*
\+ *(k) 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 supervisees*
\+ *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 to locate counseling or*
\+ *psychotherapy at a reasonable cost.*
5 SEC. 34. Section 4996.23.3 is added to the Business and
6 Professions Code, to read:
7 4996.23.3. (a) An associate clinical social worker or an
8 applicant for licensure shall only perform *mental health and related* **Amendments 212 & 213**
9 services at the ~~place~~ *places* where his or her employer regularly **Amendment 214**
10 conducts business and ~~services, which may include performing~~
11 ~~services at other locations, as long as the services are performed~~
12 ~~under the direction and control of his or her employer and his or~~
13 ~~her supervisor and in compliance with the laws and regulations~~
\+ ~~pertaining to supervision.~~ *services.*
14 ~~(b) Except for periods of time during a supervisor's vacation or~~ **Amendment 215**
15 ~~sick leave, an associate clinical social worker who is employed or~~

Page 50 16 ~~volunteering in private practice shall be under the direct supervision~~
17 ~~of a supervisor who is either employed by, and practices at the~~
18 ~~same site as, the associate's employer or is an owner or shareholder~~
19 ~~of the private practice.~~
+ *(b) An associate who is employed or volunteering in a private*
+ *practice shall be supervised by an individual who is employed by,*
+ *and shall practice at the same site as, the associate's employer.*
+ *Alternatively, the supervisor may be an owner of the private*
+ *practice. However, if the site is incorporated, the supervisor must*
+ *be employed full-time at the site and be actively engaged in*
+ *performing professional services at the site.*
20 (c) A ~~licensed professional in private practice who has satisfied~~ **Amendment 216**
21 ~~the requirements of subdivision (a) of Section 4996.20 may~~
22 ~~supervise or employ, at any one time, no~~ *supervisor at a private*
+ *practice or a corporation shall not supervise* more than a total of
23 three ~~individuals~~ *supervisees at any one time. A supervisee may* **Amendment 217**
24 *be* registered as an associate marriage and family therapist, an
+ associate professional clinical counselor, or an associate clinical
25 social ~~worker in that private practice.~~ *worker.* **Amendment 218**
26 ~~(d) All of the following limits shall apply to a licensed clinical~~ **Amendment 219**
27 ~~social worker corporation:~~
28 ~~(1) A licensed clinical social worker corporation may retain, at~~
29 ~~any one time, no more than a total of three employees, volunteers,~~
30 ~~or a combination of employees and volunteers, registered as an~~
31 ~~associate marriage and family therapist, an associate professional~~
32 ~~clinical counselor, or an associate clinical social worker for each~~
33 ~~supervising employee or shareholder who has satisfied the~~
34 ~~requirements of subdivision (a) of Section 4996.20.~~
36 ~~(2) In no event shall any licensed clinical social worker~~
37 ~~corporation retain, at any one time, more than a total of 15~~
38 ~~employees, volunteers, or a combination of employees and~~
39 ~~volunteers, registered as an associate marriage and family therapist,~~
Page 51 1 ~~an associate professional clinical counselor, or an associate clinical~~
2 ~~social worker.~~
3 ~~(3) In no event shall any supervisor supervise, at any one time,~~
4 ~~more than a total of three employees, volunteers, or a combination~~
5 ~~of employees and volunteers, registered as an associate marriage~~
6 ~~and family therapist, an associate professional clinical counselor,~~
7 ~~or an associate clinical social worker. A person who supervises an~~
8 ~~employee or volunteer registered as an associate marriage and~~

Page 51 10 ~~family therapist, an associate professional clinical counselor, or~~
11 ~~an associate clinical social worker shall be employed full time by~~
12 ~~the licensed clinical social worker corporation and shall be actively~~
13 ~~engaged in performing professional services at and for the licensed~~
14 ~~clinical social worker corporation.~~
15 ~~(4) Employment and supervision within a licensed clinical social~~
16 ~~worker corporation shall be subject to all laws and regulations~~
17 ~~governing experience and supervision gained in a private practice~~
18 ~~setting.~~
19 ~~(e)~~ **Amendment 220**
+ *(d)* In a setting that is not a private ~~practice, a written~~ *practice:*
20 *(1) A written oversight* agreement, as specified by regulation,
21 shall be executed between the supervisor and employer when the
22 supervisor is not employed by the supervisee's employer or is a
+ volunteer.
23 ~~(f) In any setting that is not a private practice, a~~ **Amendment 221**
24 *(2) A* supervisor shall evaluate the site or sites where an associate
25 clinical social worker will be gaining ~~hours of~~ experience ~~toward~~ **Amendments 222 & 223**
26 ~~licensure and shall~~ *to* determine ~~both of the following:~~ **Amendment 224**
27 ~~(1) That~~ *that* the site ~~provides experience that is within the scope~~ **Amendment 225**
28 ~~of practice of a clinical social worker.~~
29 ~~(2) That the experience is~~ *or sites are* in compliance with the
30 requirements set forth in this chapter and regulations.
31 ~~(g)~~ **Amendment 226**
+ *(e)* Alternative supervision may be arranged during a
32 supervisor's vacation or sick leave if the alternative supervision
33 meets the requirements in this chapter and by regulation.
35 SEC. 35. Section 4996.24 of the Business and Professions
36 Code is repealed.
38 SEC. 36. Section 4999.12 of the Business and Professions
39 Code is amended to read:
Page 52 1 4999.12. For purposes of this chapter, the following terms have
2 the following meanings:
3 (a) "Board" means the Board of Behavioral Sciences.
4 (b) "Accredited" means a school, college, or university
5 accredited by a regional or national institutional accrediting agency
6 that is recognized by the United States Department of Education.
7 (c) "Approved" means a school, college, or university that
8 possessed unconditional approval by the Bureau for Private

98

Page 52 9 Postsecondary Education at the time of the applicant's graduation
10 from the school, college, or university.
11 (d) "Applicant for licensure" means an unlicensed person who
12 has completed the required education and required hours of
13 supervised experience for ~~licensure as specified in this chapter.~~ **Amendment 227**
+ *licensure.*
14 (e) "Licensed professional clinical counselor" or "LPCC" means
15 a person licensed under this chapter to practice professional clinical
16 counseling, as defined in Section 4999.20.
17 (f) "Associate" means an unlicensed person who meets the
18 requirements of Section 4999.42 and ~~who meets one of the~~ **Amendment 228**
19 ~~following:~~ *is registered with the board.*
20 ~~(1) The individual is registered with the board as an associate.~~ **Amendment 229**
21 ~~(2) The individual's degree was awarded and the board receives~~
22 ~~his or her application for registration with the board as an associate~~
23 ~~within 90 days of the degree award date.~~
24 (g) "Clinical counselor trainee" means an unlicensed person
25 who is currently enrolled in a master's or doctoral degree program,
26 as specified in Section 4999.32 or 4999.33, ~~as applicable,~~ that is **Amendment 230**
27 designed to qualify him or her for licensure ~~under this chapter,~~ and **Amendment 231**
28 who has completed no less than 12 semester units or 18 quarter
29 units of coursework in any qualifying degree program.
30 (h) "Supervisor" means an individual who meets all of the
31 following requirements:
32 (1) Has ~~been actively licensed in this state or has held an active~~ **Amendment 232**
33 ~~equivalent license in another state as a licensed~~ *held an active*
+ *license for at least two years within the five year period*
+ *immediately preceding any supervision as either:*
34 *(A) A licensed* professional clinical counselor, licensed marriage **Amendment 233**
35 and family therapist, ~~licensed clinical psychologist,~~ *psychologist* **Amendment 234**
+ *licensed pursuant to Chapter 6.6 (commencing with Section 2900),*
36 licensed clinical social ~~worker, or licensed physician and surgeon~~
37 ~~who is certified in psychiatry by the American Board of Psychiatry~~
38 ~~and Neurology, for at least two of the past five years immediately~~
+ ~~prior to commencing any supervision.~~ *worker, or equivalent*
+ *out-of-state license.*
+ *(B) A physician and surgeon who is certified in psychiatry by*
+ *the American Board of Psychiatry and Neurology, or an*
+ *out-of-state licensed physician and surgeon who is certified in*
+ *psychiatry by the American Board of Psychiatry and Neurology.*

Page 52 39 ~~(2) The supervisor meets the additional training and education~~
40 ~~requirements in subparagraphs (A) to (C), inclusive, of paragraph~~
Page 53 1 ~~(3) of subdivision (a) of Section 4999.20 if he or she is a licensed~~
2 ~~professional clinical counselor, supervising an associate marriage~~
3 ~~and family therapist, a marriage and family therapist trainee, or~~
4 ~~an associate professional clinical counselor or licensee seeking~~
5 ~~experience to treat couples and families pursuant to subparagraph~~
6 ~~(B) of paragraph (3) of subdivision (a) of Section 4999.20.~~
\+ *(2) If the individual is a licensed professional clinical counselor*
\+ *seeking to supervise 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, he or she*
\+ *shall meet the additional training and education requirements in*
\+ *subparagraphs (A) to (C), inclusive, of paragraph (3) of*
\+ *subdivision (a) of Section 4999.20.*
7 (3) ~~Has~~ *For at least two years within the five-year period* **Amendment 236**
\+ *immediately preceding any supervision, has either* practiced
8 psychotherapy or provided direct clinical supervision of **Amendment 237**
\+ *psychotherapy performed by* marriage and family therapist trainees,
9 associate marriage and family therapists, associate professional
10 clinical counselors, or associate clinical social ~~workers, who~~ **Amendment 238**
11 ~~perform psychotherapy, for at least two years within the five-year~~
12 ~~period immediately preceding any supervision.~~ *workers.* **Amendment 239**
13 Supervision of *psychotherapy performed by a* social work ~~students~~ **Amendment 240**
\+ ~~enrolled in an accredited master's or doctoral program or~~
14 ~~professional clinical counselor trainees, who perform~~
15 ~~psychotherapy;~~ *intern or a professional clinical counselor trainee* **Amendment 241**
16 shall be accepted ~~toward the required two years~~ if the supervision **Amendment 242**
17 provided ~~to the students~~ is substantially equivalent to the
\+ supervision required for registrants.
18 (4) Has received ~~professional~~ training ~~insupervision as specified~~ **Amendments 243 & 244**
19 *in supervision as specified* in this chapter and by regulation.
20 (5) Has not provided therapeutic services to the supervisee.
21 (6) Has and maintains a current and active ~~California~~ license **Amendment 245**
22 that is not under suspension or ~~probation.~~ *probation as one of the* **Amendment 246**
\+ *following:*
23 ~~(7) Complies with supervision requirements established by this~~ **Amendment 247**
24 ~~chapter and by regulation.~~

+ *(A) A marriage and family therapist, professional clinical*
+ *counselor, or clinical social worker, issued by the board.*
+ *(B) A psychologist licensed pursuant to Chapter 6.6*
+ *(commencing with Section 2900).*
+ *(C) A physician and surgeon who is certified in psychiatry by*
+ *the American Board of Psychiatry and Neurology.*
+ *(7) Is not a spouse, domestic partner, or relative of the*
+ *supervisee.*
+ *(8) Does not currently have or previously had a personal,*
+ *professional, or business relationship with the supervisee that*
+ *undermines the authority or effectiveness of the supervision.*

Page 53 25 (i) "Client centered advocacy" includes, but is not limited to,
26 researching, identifying, and accessing resources, or other activities,
27 related to obtaining or providing services and supports for clients
28 or groups of clients receiving psychotherapy or counseling services.
29 (j) "Advertising" or "advertise" includes, but is not limited to,
30 the issuance of any card, sign, or device to any person, or the
31 causing, permitting, or allowing of any sign or marking on, or in,
32 any building or structure, or in any newspaper or magazine or in
33 any directory, or any printed matter whatsoever, with or without
34 any limiting qualification. It also includes business solicitations
35 communicated by radio or television broadcasting. Signs within
36 church buildings or notices in church bulletins mailed to a
37 congregation shall not be construed as advertising within the
38 meaning of this chapter.
39 (k) "Referral" means evaluating and identifying the needs of a
40 client to determine whether it is advisable to refer the client to
Page 54 1 other specialists, informing the client of that judgment, and
2 communicating that determination as requested or deemed
3 appropriate to referral sources.
4 (*l*) "Research" means a systematic effort to collect, analyze, and
5 interpret quantitative and qualitative data that describes how social
6 characteristics, behavior, emotion, cognitions, disabilities, mental
7 disorders, and interpersonal transactions among individuals and
8 organizations interact.
9 (m) ~~(1)~~ "Supervision" means responsibility for, and control of, **Amendment 248**
10 the quality of *mental health and related* services ~~being~~ provided **Amendments 249 & 250**
11 by the supervisee. Consultation or peer discussion shall not be
12 considered supervision and shall not qualify as supervised **Amendment 251**
+ ~~experience.~~

Page 54 13 ~~(2) Supervision~~ *experience. Supervision* includes, but is not
14 limited to, all of the following:
15 ~~(A)~~ **Amendments 252 & 253**
+ *(1)* Ensuring ~~that~~ the extent, kind, and quality of counseling
16 performed is consistent with the education, training, and experience
17 of the ~~person being supervised.~~ *supervisee.* **Amendment 254**
18 ~~(B)~~ **Amendments 255 & 256**
+ *(2)* Monitoring and evaluating *the supervisee's* assessment,
19 diagnosis, and treatment decisions ~~of the supervisee~~ and providing **Amendment 257**
20 regular feedback.
21 ~~(C)~~ **Amendment 258**
+ *(3)* Monitoring and evaluating the supervisee's ability to provide
22 services ~~to the particular clientele at the site or sites where he or~~ **Amendment 259**
23 ~~she will be practicing.~~ *at the site or sites where he or she is*
+ *practicing and to the particular clientele being served.*
24 ~~(D)~~ **Amendments 260 & 261**
+ *(4)* Monitoring ~~for~~ and addressing clinical dynamics, including,
25 but not limited to, countertransference-, intrapsychic-,
26 interpersonal-, or trauma-related issues that may affect the
27 supervisory or the practitioner-patient relationship.
28 ~~(E)~~ **Amendment 262**
+ *(5)* Ensuring the supervisee's compliance with laws and
29 regulations governing the practice of licensed professional clinical
30 counseling.
31 ~~(F)~~ **Amendment 263**
+ *(6)* Reviewing the supervisee's progress notes, process notes,
32 and other patient treatment records, as deemed appropriate by the
33 supervisor.
34 ~~(G)~~ **Amendment 264**
+ *(7)* With the client's written consent, providing direct
35 observation or review of audio or video recordings of the
36 supervisee's counseling or therapy, as deemed appropriate by the
37 supervisor.
38 (n) "Clinical setting" means any setting that meets both of the
39 following requirements:
Page 55 1 (1) Lawfully and regularly provides mental health counseling
2 or psychotherapy.
3 (2) Provides oversight to ensure that the associate's work ~~at the~~ **Amendment 265**
4 ~~setting~~ meets the experience and supervision requirements set forth

98

Amendment 266

Page 55
5 in this chapter and in regulation and is within the scope of practice
6 of the profession.
7 (o) "Community mental health setting,"~~ as used in Section~~
8 ~~4999.46,~~ means a clinical setting that meets all of the following
9 requirements:
10 (1) Lawfully and regularly provides mental health counseling
11 or psychotherapy.
12 (2) Clients routinely receive psychopharmacological
13 interventions in conjunction with psychotherapy, counseling, or
14 other psycho-social interventions.
15 (3) Clients receive coordinated care that includes the
16 collaboration of mental health providers.
17 (4) Is not a private practice.
19 SEC. 37. Section 4999.34 of the Business and Professions
20 Code is repealed.
22 SEC. 38. Section 4999.36 of the Business and Professions
23 Code is amended to read:
24 4999.36. (a) A clinical counselor trainee may perform activities
25 and services provided that the activities and services constitute
26 part of the clinical counselor trainee's supervised course of study
27 and that the person is designated by the title "clinical counselor
28 trainee."
29 (b) All practicum and field study hours gained as a clinical
30 counselor trainee shall be coordinated between the school and the
31 site where hours are being accrued. The school shall approve each
32 site and shall have a written agreement with each site that details
33 each party's responsibilities, including the methods by which
34 supervision shall be provided. The agreement shall provide for
35 regular progress reports and evaluations of the student's
36 performance at the site.
37 (c) If an applicant has gained practicum and field study hours
38 while enrolled in an institution other than the one that confers the
39 qualifying degree, it shall be the applicant's responsibility to
Page 56
1 provide to the board satisfactory evidence that those practicum
2 and field study hours were gained in compliance with this section.
3 (d) A clinical counselor trainee shall inform each client or
4 patient, prior to performing any professional services, that he or
5 she is unlicensed and under supervision.

Page 56 6 (e) No hours earned while a clinical counselor trainee may count
7 toward the 3,000 hours of required postdegree supervised
8 experience.

Amendment 267

10 ~~SEC. 39. Section 4999.42 of the Business and Professions~~
11 ~~Code is amended to read:~~
12 ~~4999.42. (a) To qualify for registration as an associate, an~~
13 ~~applicant shall have all of the following qualifications:~~
14 ~~(1) The applicant shall have earned a master's or doctoral degree~~
15 ~~as specified in Section 4999.32 or 4999.33, as applicable. An~~
16 ~~applicant whose education qualifies him or her under Section~~
17 ~~4999.32 shall also have completed the coursework or training~~
18 ~~specified in subdivision (e) of Section 4999.32.~~
19 ~~(2) The applicant shall not have committed acts or crimes~~
20 ~~constituting grounds for denial of licensure under Section 480.~~
21 ~~(3)~~
22 ~~The board shall not issue a registration to any person who has~~
23 ~~been convicted of a crime in this or another state or in a territory~~
24 ~~of the United States that involves sexual abuse of children or who~~
25 ~~is required to register pursuant to Section 290 of the Penal Code~~
+ ~~or the equivalent in another state or territory.~~
26 ~~(b) The board shall begin accepting applications for associate~~
27 ~~registration on January 1, 2011.~~
+ *SEC. 39. Section 4999.42 of the Business and Professions Code*
+ *is amended to read:*
+ 4999.42. ~~To qualify for registration as an associate, an applicant~~
+ *(a) An applicant* shall ~~have~~ *meet* all of the following ~~qualifications:~~
+ *qualifications to qualify for registration as an associate:*
+ ~~(a) The applicant shall have earned~~
+ *(1) 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) Be at least 18 years of age.
+ ~~(b) The applicant shall not have~~
+ *(3) Not have* committed acts or crimes constituting grounds for
+ denial of licensure under Section 480.
+ ~~(c)~~
+ *(b)* 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.

Page 56

SEC. 40. Section 4999.44 of the Business and Professions Code is repealed.

SEC. 41. Section 4999.45 of the Business and Professions Code is repealed.

SEC. 42. Section 4999.455 of the Business and Professions Code is repealed.

SEC. 43. Section 4999.46 of the Business and Professions Code is amended to read:

Page 57

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 a supervisor. The experience shall~~ *Except as provided in subdivision (b), all applicants shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.*

(b) Applicants completing graduate study prior to January 1, 2021, shall be credited with postdegree hours of experience toward licensure if the applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying degree and the applicant is thereafter granted the associate registration by the board. The applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

(c) Supervised experience that is obtained for the purposes of qualifying for licensure shall be related to the practice of professional clinical counseling and comply with the following:

Amendment 268

(1) A minimum of 3,000 postdegree hours ~~of supervised experience~~ performed over a period of not less than two years (104 weeks).

Amendment 269

(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 4999.46.3~~ using a variety of psychotherapeutic techniques and recognized counseling ~~interventions within the scope of practice of licensed professional clinical counselors.~~ *interventions.*

Amendment 270

Amendment 271

(4) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section 4999.12.

Page 57 16 (5) A maximum of 1,250 hours of nonclinical practice,
17 consisting of direct supervisor contact, administering and
18 evaluating psychological tests, writing clinical reports, writing
19 progress or process notes, client centered advocacy, and workshops,
20 seminars, training sessions, or conferences directly related to
21 professional clinical counseling that have been approved by the
22 applicant's supervisor.
23 ~~(b)~~ **Amendment 272**
\+ *(d)* An individual who submits an application for licensure
24 between January 1, 2016, and December 31, 2020, may
25 alternatively qualify under the experience requirements of this
26 section that were in place on January 1, 2015.
27 ~~(c) No hours of clinical mental health experience may be gained~~ **Amendment 273**
28 *(e) Experience hours shall not have been gained* more than six
29 years prior to the date the application for licensure was received
\+ by the board.
31 SEC. 44. Section 4999.46.1 is added to the Business and
32 Professions Code, to read:
33 4999.46.1. (a) An associate or applicant for licensure shall be
34 ~~at all times~~ under the supervision of a ~~supervisor as specified in~~ **Amendments 274 & 275**
35 ~~this chapter and by regulation.~~ *supervisor at all times.*
36 ~~(b) Except as provided in subdivision (c), an applicant shall~~ **Amendment 276**
37 ~~have an active associate registration with the board in order to gain~~
38 ~~postdegree hours of supervised experience.~~
39 ~~(c) Postdegree hours of experience shall be credited toward~~
40 ~~licensure so long as the applicant applies for associate registration~~
Page 58 1 ~~and the board receives the application within 90 days of the~~
2 ~~granting of the qualifying degree and he or she is thereafter granted~~
3 ~~registration as an associate by the board. An applicant shall not be~~
4 ~~employed or volunteer in a private practice until he or she has been~~
5 ~~issued an associate registration by the board.~~
6 *(b) As used in this chapter, the term "supervision" means*
\+ *responsibility for, and control of, the quality of mental health and*
\+ *related services provided by the supervisee. Consultation or peer*
\+ *discussion shall not be considered supervision and shall not qualify*
\+ *as supervised experience. Supervision includes, but is not limited*
\+ *to, all of the following:*
\+ *(1) Ensuring 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 is practicing and to the particular clientele being served.*
+ *(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or practitioner-patient relationship.*
+ *(5) Ensuring the supervisee's compliance with laws and regulations governing the practice of licensed professional clinical counseling.*
+ *(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.*

Page 58 7 ~~(d)~~ **Amendments 277, 278 & 27**

+ *(c)* An associate~~ employed under this chapter~~ shall do~~ all~~ *both*
8 of the following:

9 ~~(1) Not perform any duties, except for those services provided~~ **Amendment 280**
10 ~~as a clinical counselor trainee, until registered as an associate.~~
11 ~~(2) Not be employed or volunteer in a private practice until~~
12 ~~registered as an associate with the board.~~
13 ~~(3)~~
+ *(1)* Inform each client, prior to performing any professional
14 services, that he or she is unlicensed and under supervision.

15 ~~(4)~~ **Amendments 281 & 282**
+ *(2)* Renew~~ annually for a maximum of five years after initial~~
16 ~~registration with the board.~~ *the registration 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.*

17 ~~(c) When no further renewals are possible, an applicant~~ **Amendment 283**
+ *(d) When no further renewals are possible, an applicant* may
18 apply for and obtain a subsequent associate registration number if
19 the applicant meets the educational requirements for~~ registration~~ **Amendment 284**
20 ~~in effect at the time of the application for~~ a subsequent associate

Page 58 21 registration number and has passed the California law and ethics
22 ~~examination described in Section 4999.53.~~ *examination.* An
23 applicant issued a subsequent associate registration number
24 ~~pursuant to this subdivision~~ shall not be employed or volunteer in
+ a private practice.

Amendment 285
Amendment 286

26 SEC. 45. Section 4999.46.2 is added to the Business and
27 Professions Code, to read:

28 ~~4999.46.2. (a) A clinical counselor trainee shall receive an~~
29 ~~average of at least one hour of direct supervisor contact for every~~
30 ~~five hours of direct clinical counseling that is performed in each~~
31 ~~setting.~~

Amendment 287

32 ~~(b) (1) Except for experience gained by attending workshops,~~
33 ~~seminars, training sessions, or conferences, as described in~~
34 ~~paragraph (5) of subdivision (a) of Section 4999.46, supervision~~
+ *4999.46.2. (a) Except for experience gained by attending*
+ *workshops, seminars, training sessions, or conferences, as*
+ *described in paragraph (5) of subdivision (c) of Section 4999.46,*
+ *direct supervisor contact shall occur as follows:*
35 *(1) Supervision* shall include at least one hour of direct
36 supervisor contact in each week for which experience is credited
+ in each work setting.

37 (2) ~~An associate gaining experience shall receive~~ *A trainee shall*
38 *receive an average of* at least one ~~additional~~ hour of direct
39 supervisor contact ~~in each week for which more than 10 hours of~~
Page 59 1 ~~direct clinical counseling is performed in each setting. No more~~
2 ~~than six hours of supervision, whether individual or group, shall~~
+ ~~be credited during any single week.~~ *for every five hours of direct*
+ *clinical counseling performed each week in each setting. For*
+ *experience gained after January 1, 2009, no more than six hours*
+ *of supervision, whether individual, triadic, or group, shall be*
+ *credited during any single week.*
+ *(3) An associate gaining experience who performs more than*
+ *10 hours of direct clinical counseling in a week in any setting shall*
+ *receive at least one additional hour of direct supervisor contact*
+ *for that setting. For experience gained after January 1, 2009, no*
+ *more than six hours of supervision, whether individual supervision,*
+ *triadic supervision, or group supervision, shall be credited during*
+ *any single week.*

Amendment 288
Amendments 289 & 290

98

+ *(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.*

Page 59 3 ~~(c)~~ **Amendment 291**

+ *(b)* For purposes of this chapter, "one hour of direct supervisor
4 contact" means any of the following:
5 (1) Individual supervision, which means one hour of face-to-face
6 contact between one supervisor and one supervisee.
7 (2) Triadic supervision, which means one hour of face-to-face
8 contact between one supervisor and two supervisees.
9 (3) Group supervision, which means two hours of face-to-face
10 contact between one supervisor and no more than eight supervisees.
11 Segments of group supervision may be split into no less than one
12 continuous hour. *The supervisor shall ensure that the amount and* **Amendment 292**
+ *degree of supervision is appropriate for each supervisee.*

13 ~~(d)~~ **Amendment 293**

+ *(c)* Direct supervisor contact shall occur within the same week
14 as the hours claimed.

15 ~~(e) An applicant for licensure shall have received at least one~~ **Amendment 294**
16 ~~hour per week of direct supervisor contact that is individual, triadic,~~
17 ~~or a combination of both, as specified in paragraphs (1) and (2) of~~
18 ~~subdivision (c), for a minimum of 52 weeks.~~
19 ~~(f) When conducting group supervision, as specified in~~
20 ~~paragraph (3) of subdivision (c), the supervisor shall ensure that~~
21 ~~the amount and degree of supervision is appropriate for each~~
22 ~~supervisee.~~

23 ~~(g)~~ **Amendment 295**

+ *(d)* Notwithstanding subdivision ~~(c),~~ *(b),* an associate working
24 in a governmental entity, ~~a~~ school, ~~a~~ college, ~~a~~ university, or ~~an~~ **Amdts 296, 297, 298 & 299**
25 institution that is both nonprofit and charitable may obtain the
26 required weekly direct supervisor contact via two-way, real-time
27 videoconferencing. The supervisor shall be responsible for ensuring
28 compliance with ~~state and federal law~~ *federal and state laws* **Amendment 300**
29 relating to confidentiality of patient health information.

30 ~~(h) The six hours of supervision that may be credited during~~ **Amendment 301**
31 ~~any single week, pursuant to paragraph (2) of subdivision (b), shall~~
32 ~~apply to supervision hours gained on or after January 1, 2009.~~

33 ~~(i)~~

+ *(e)* Notwithstanding any other law, once the required number
34 of experience hours are gained, associates and applicants for

Page 59 35 licensure shall receive a minimum of one hour of direct supervisor
36 contact per week for each *practice* setting in which direct clinical **Amendment 302**
37 counseling is performed. Once the required number of experience
38 hours are gained, further supervision for nonclinical practice, as
39 defined in paragraph (5) of subdivision ~~(a)~~ *(c)* of Section 4999.46, **Amendment 303**
40 shall be at the supervisor's discretion.

Page 60 2 SEC. 46. Section 4999.46.3 is added to the Business and
3 Professions Code, to read:
4 4999.46.3. (a) A clinical counselor trainee, associate, or
5 applicant for licensure shall only perform *mental health and related* **Amendment 304**
6 services as an employee or ~~as a volunteer.~~ *volunteer, and not as* **Amendment 305**
+ *an independent contractor.* The requirements of this chapter
7 regarding ~~gaining~~ hours of experience and supervision shall apply **Amendment 306**
8 equally to employees and volunteers. A clinical counselor trainee,
9 associate, or applicant for licensure shall not perform any services
10 or gain any experience within the scope of practice of the
11 profession, as defined in Section 4999.20, as an independent
12 contractor. *While an associate may be either a paid employee or* **Amendment 307**
+ *a volunteer, employers are encouraged to provide fair*
+ *remuneration.*
13 (1) If employed, an associate shall provide the ~~board~~ *board,* **Amendment 308**
14 *upon application for licensure,* with copies of the corresponding **Amendment 309**
15 W-2 tax forms for each year of ~~experience claimed upon~~
+ ~~application for licensure.~~ *experience claimed.*
16 (2) If volunteering, an associate shall provide the ~~board~~ *board,* **Amendment 310**
17 *upon application for licensure,* with a letter from his or her
18 employer verifying the associate's status as a volunteer during the **Amendment 311**
19 dates the experience was gained. ~~This letter shall be provided to~~
+ ~~the board upon application for licensure.~~
20 (b) ~~(1)~~ A clinical counselor trainee shall not perform services **Amendment 312**
21 in a private practice.
24 ~~(2) A clinical counselor trainee shall complete the required~~ **Amendment 313**
25 ~~predegree supervised practicum or field study experience in a~~
26 ~~setting that meets both of the following:~~
+ *(c) A trainee shall complete the required predegree supervised*
+ *practicum or field study experience in a setting that meets all of*
+ *the following requirements:*
+ *(1) Is not a private practice.*
27 ~~(A)~~ **Amendment 314**

+ *(2)* Lawfully and regularly provides mental health counseling
Page 60 28 or psychotherapy.
29 ~~(B)~~ **Amendment 315**
+ *(3)* Provides oversight to ensure that the clinical counselor
30 trainee's work at the setting meets th~~e practicum or field study~~ **Amendment 316**
31 ~~experience requirements in this chapter and is within the scope of~~
32 ~~practice for licensed professional clinical counselors.~~ *experience*
+ *and supervision requirements in this chapter and is within the*
+ *scope of practice of the profession, as defined in Section 4999.20.*
34 ~~(3)~~ **Amendment 317**
+ *(4)* Only experience gained in the position for which the clinical
35 counselor trainee volunteers or is employed shall qualify as
36 supervised practicum or field study experience.
37 ~~(c)~~ **Amendment 318**
+ *(d)* (1) An associate may be credited with supervised experience
38 completed in any setting that meets both of the following:
39 (A) Lawfully and regularly provides mental health counseling
40 or psychotherapy.
Page 61 1 (B) Provides oversight to ensure that the associate's work at the
2 setting meets the experience and supervision requirements in this
3 chapter and is within the scope of practice for th~~e profession~~ **Amendment 319**
4 *profession,* as~~ specified in Article 2 (commencing with Section~~ **Amendment 320**
+ ~~4999.20).~~ *defined in Section 4999.20.*
5 ~~(2) While an associate may be either a paid employee or a~~ **Amendment 321**
6 ~~volunteer, employers are encouraged to provide fair remuneration.~~
7 ~~(3)~~
+ *(2)* Only experience gained in the position for which the
8 associate volunteers or is employed shall qualify as supervised
9 experience.
10 ~~(4)~~ **Amendment 322**
+ *(3)* An applicant for registration as an associate shall not be
11 employed or volunteer in a private practice until~~ an associate~~ **Amendment 323**
12 ~~registration has been issued to the applicant~~ *he or she has been*
+ *issued an associate registration* by the board.
13 ~~(d) Experience~~ **Amendments 324 & 325**
+ *(e) Any experience* obtained under the supervision of a~~ spouse~~
14 ~~or relative by blood or marriage~~ *spouse, relative, or domestic*
15 *partner* shall not be credited toward the required hours of **Amendment 326**
16 supervised experience.~~ Experience~~ *Any experience* obtained under
17 the supervision of a supervisor with whom the applicant has had

Page 61 18 or currently has a personal, professional, or business relationship
19 that undermines the authority or effectiveness of the supervision
20 shall not be credited toward the required hours of supervised
+ experience.
21 ~~(e)~~ **Amendment 327**
+ *(f)* A clinical counselor trainee, associate, or applicant for
22 licensure shall not receive any remuneration from patients or clients
23 and shall only be paid by his or her ~~employer.~~ *employer, if an* **Amendment 328**
+ *employee.*
24 ~~(f)~~ **Amendment 329**
+ *(g)* A clinical counselor trainee, associate, or applicant for
25 licensure shall have no proprietary interest in his or her employer's
26 business and shall not lease or rent space, pay for furnishings,
27 equipment, or supplies, or in any other way pay for the obligations
28 of his or her employer.
29 ~~(g)~~ **Amendment 330**
+ *(h)* A clinical counselor trainee, associate, or applicant for
30 licensure who provides voluntary services in any lawful work
31 setting other than a private practice and who only receives
32 reimbursement for expenses actually incurred shall be considered
33 an ~~employee and not an independent contractor.~~ *employee.* The **Amendment 331**
34 board may audit an applicant for licensure who receives
35 reimbursement for expenses and the applicant for licensure shall
36 have the burden of demonstrating that the payments received were
37 for reimbursement of expenses actually incurred.
38 ~~(h)~~ **Amendment 332**
+ *(i)* A clinical counselor trainee, associate, or applicant for
39 licensure who receives a stipend or educational loan repayment
40 from a program designed to encourage demographically
Page 62 1 underrepresented groups to enter the profession or to improve
2 recruitment and retention in underserved regions or settings shall
3 be considered an ~~employee and not an independent contractor.~~ **Amendment 333**
4 *employee.* The board may audit an applicant who receives a stipend
5 or educational loan repayment and the applicant shall have the
6 burden of demonstrating that the payments ~~received~~ were for the **Amendment 334**
7 specified purposes.
8 ~~(i)~~ **Amendment 335**
+ *(j)* Each educational institution preparing applicants pursuant
9 to this chapter shall consider requiring, and shall encourage, its
10 students to undergo individual, marital, conjoint, family, or group

Page 62 11 counseling or psychotherapy, as appropriate. Each supervisor shall
12 consider, advise, and encourage his or her associates and trainees
13 regarding the advisability of undertaking individual, marital,
14 conjoint, family, or group counseling or psychotherapy, as
15 appropriate. Insofar as it is deemed appropriate and is desired by
16 the applicant, educational institutions and supervisors are
17 encouraged to assist the applicant ~~in locating~~ *to locate* that **Amendment 336**
18 counseling or psychotherapy at a reasonable cost.
20 SEC. 47. Section 4999.46.4 is added to the Business and
21 Professions Code, to read:
22 4999.46.4. (a) A clinical counselor trainee, associate, or
23 applicant for licensure shall only perform *mental health and related* **Amendments 337 & 338**
24 services at the ~~place~~ *places* where his or her employer regularly **Amendment 339**
25 conducts business and ~~services, which may include performing~~
26 ~~services at other locations, as long as the services are performed~~
27 ~~under the direction and control of his or her employer and his or~~
28 ~~her supervisor and in compliance with the laws and regulations~~
+ ~~pertaining to supervision.~~ *services.*
29 ~~(b) Except for periods of time during a supervisor's vacation or~~ **Amendment 340**
30 ~~sick leave, an associate who is employed or volunteering in private~~
31 ~~practice shall be under the direct supervision of a supervisor who~~
32 ~~is either employed by, and practices at the same site as, the~~
33 ~~associate's employer or is an owner or shareholder of the private~~
34 ~~practice.~~
+ *(b) An associate who is employed or volunteering in a private*
+ *practice shall be supervised by an individual who is employed by,*
+ *and shall practice at the same site as, the associate's employer.*
+ *Alternatively, the supervisor may be an owner of the private*
+ *practice. However, if the site is incorporated, the supervisor must*
+ *be employed full-time at the site and be actively engaged in*
+ *performing professional services at the site.*
35 (c) A ~~licensed professional in private practice who has satisfied~~ **Amendment 341**
36 ~~the requirements of subdivision (h) of Section 4999.12 may~~
37 ~~supervise or employ, at any one time, no more than a total of three~~
38 ~~individuals registered as~~ *supervisor at a private practice or a*
+ *corporation shall not supervise more than a total of three*
+ *supervisees at any one time. A supervisee may be registered as* an
39 associate marriage and family therapist, an associate professional
40 clinical counselor, or an associate clinical social ~~worker in that~~ **Amendment 342**
+ ~~private practice.~~ *worker.*

Page 63

~~(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, 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, 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, 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 employee or volunteer 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.~~

Amendment 343

~~(c)~~

(d) In a setting that is not a private ~~practice, a written~~ *practice:*

(1) A written oversight 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.

Amendment 344

~~(f) In any setting that is not a private practice, a~~

(2) A supervisor shall evaluate the site or sites where an associate will be gaining ~~hours of~~ experience ~~toward licensure and shall~~ *to* determine ~~both of the following:~~

Amendment 345
Amendment 346
Amendments 347 & 348

98

Page 64

~~(1) That~~ *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.~~ *chapter.*

~~(g)~~

(e) 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. 48. Section 4999.46.5 is added to the Business and Professions Code, to read:

4999.46.5. The board ~~shall have the right to~~ *may* 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. 49. Section 4999.47 of the Business and Professions Code is repealed.~~

SEC. 49. 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. Associates and trainees shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.~~

~~(1) If employed, a clinical counselor intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure as a professional clinical counselor.~~

~~(2) If volunteering, a clinical counselor intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure as a professional clinical counselor.~~

~~(b) Clinical counselor trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.~~

Amendment 349

Amendment 350

Amendment 351

Amendment 352

Amendment 353

Amendment 354

+ ~~(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.~~

Page 64 21 SEC. 50. Section 4999.50 of the Business and Professions
22 Code is amended to read:
23 4999.50. (a) The board may issue a professional clinical
24 counselor license to any person who meets all of the following
25 requirements:

Page 64 26 (1) He or she has received a master's or doctoral degree
27 described in Section 4999.32 or 4999.33, as applicable.
28 (2) He or she has completed at least 3,000 hours of supervised
29 experience in the practice of professional clinical ~~counseling as~~ **Amendment 355**
30 ~~provided in Section 4999.46.~~ *counseling.*
31 (3) He or she provides evidence of a passing score, as
32 determined by the board, on the examinations designated in Section
33 4999.53.
34 (b) An applicant for licensure who has satisfied the requirements
35 of this chapter shall be issued a license as a professional clinical
36 ~~counselor in the form that the board may deem appropriate.~~ **Amendment 356**
+ *counselor.*
37 ~~(c) This section shall become operative on January 1, 2016.~~ **Amendment 357**
39 SEC. 51. Section 4999.51 of the Business and Professions
40 Code is amended to read:
Page 65 1 4999.51. ~~To qualify~~ *An applicant* for licensure as a professional **Amendment 358**
2 clinical counselor or registration as an ~~associate, applicants shall~~ **Amendment 359**
3 ~~meet the board's regulatory requirements for professional clinical~~
4 ~~counselor licensure or associate registration, as applicable,~~
5 ~~including the following:~~ *associate shall satisfy the following*
+ *qualifications:*
6 (a) ~~The applicant has not~~ *Not have* committed acts or crimes **Amendment 360**
7 constituting grounds for denial of licensure under Section 480.
8 (b) ~~The board shall not issue a license or registration to any~~ **Amendment 361**
9 ~~person who has~~ *Not have* been convicted of a crime in this or
10 another state or in a territory of the United States that involves
11 sexual abuse of children or who is required to register pursuant to
12 Section 290 of the Penal Code or the equivalent in another state
+ or territory.
13 (c) ~~The applicant has~~ *Have* successfully passed a state and **Amendment 362**
14 federal level criminal offender record information search conducted
15 through the Department of ~~Justice, as follows:~~ **Amendment 363**
16 ~~(1) The board shall direct applicants to electronically submit to~~
17 ~~the Department of Justice~~ *Justice by submitting* fingerprint images **Amendment 364**
18 and ~~related~~ *other* information ~~required by~~ *to* the Department of **Amendment 365**
19 Justice for the purpose of obtaining ~~information as to the existence~~ **Amendment 366**
20 ~~and content of a record of state and federal level convictions and~~
21 ~~arrests and information as to the existence and content of a record~~
22 ~~of state or federal level arrests for which the Department of Justice~~
23 ~~establishes that the person is free on bail or on his or her own~~

Page 65 24 ~~recognizance pending trial or appeal.~~ *records of state and federal*
+ *convictions and arrests. The board shall request the subsequent*
+ *arrest notification service on all applicants, pursuant to Section*
+ *11105.2 of the Penal Code.*
25 ~~(2) The Department of Justice shall forward the fingerprint~~ **Amendment 367**
26 ~~images and related information received pursuant to paragraph (1)~~
27 ~~to the Federal Bureau of Investigation and request a federal~~
28 ~~summary for criminal history information.~~
29 ~~(3) The Department of Justice shall review the information~~
30 ~~returned from the Federal Bureau of Investigation and compile~~
31 ~~and disseminate a response to the board pursuant to paragraph (1)~~
32 ~~of subdivision (p) of Section 11105 of the Penal Code.~~
33 ~~(4) The board shall request from the Department of Justice~~
34 ~~subsequent arrest notification service, pursuant to Section 11105.2~~
35 ~~of the Penal Code, for each person who submitted information~~
36 ~~pursuant to paragraph (1).~~
37 ~~(5) The Department of Justice shall charge a fee sufficient to~~
38 ~~cover the cost of processing the request described in this section.~~
39 SEC. 52. Section 4999.52 of the Business and Professions
40 Code is amended to read:
Page 66 1 4999.52. (a) Every applicant for a license as a professional
2 clinical counselor shall ~~be examined by the board. The board shall~~ **Amendment 368**
3 ~~examine the candidate with regard to his or her knowledge and~~
4 ~~professional skills and his or her judgment in the utilization of~~
5 ~~appropriate techniques and methods.~~ *take one or more*
+ *examinations, as determined by the board, to ascertain his or her*
+ *knowledge, professional skills, and judgment in the utilization of*
+ *appropriate techniques and methods of professional clinical*
+ *counseling.*
6 (b) The examinations shall be given at least twice a year at a
7 time and place and under supervision as the board may determine.
8 (c) The board shall not deny any applicant *admission to an* **Amendment 369**
9 *examination* who has submitted a complete application for **Amendment 370**
10 examination admission ~~to the licensure examinations required by~~
11 ~~this section~~ if the applicant meets the educational and experience **Amendment 371**
12 requirements of this ~~chapter,~~ *chapter* and has not committed any
13 acts or engaged in any conduct that would constitute grounds to
+ deny licensure.
14 (d) The board shall not deny any applicant *admission to the* **Amendment 372**
15 *examinations* whose application for licensure is ~~complete admission~~ **Amendment 373**

Page 66 16 ~~to the examinations~~ *complete, as* specified by paragraph (2) of
17 subdivision (a) of Section 4999.53, nor shall the board postpone
18 or delay ~~this~~ *the* examination ~~for any applicant~~ or delay informing
+ the ~~candidate~~ *applicant* of the *examination* results ~~of this~~
19 ~~examination,~~ solely upon the receipt by the board of a complaint
20 alleging acts or conduct that would constitute grounds to deny
+ licensure.

Amendments 374 & 375
Amendments 376, 377 & 37

21 (e) If an applicant for the examination specified by paragraph
22 (2) of subdivision (a) of Section 4999.53, who has passed the
23 California law and ethics examination, is the subject of a complaint
24 or is under board investigation for acts or conduct that, if proven
25 to be true, would constitute grounds for the board to deny licensure,
26 the board shall permit the applicant to take this examination, but
27 may notify the applicant that licensure will not be granted pending
28 completion of the investigation.
29 (f) Notwithstanding Section 135, the board may deny any
30 applicant who has previously failed either the California law and
31 ethics examination, or the examination specified by paragraph (2)
32 of subdivision (a) of Section 4999.53, permission to retake either
33 examination pending completion of the investigation of any
34 complaints against the applicant.
35 (g) Nothing in this section shall prohibit the board from denying
36 an applicant admission to any examination, withholding the results,
37 or refusing to issue a license to any applicant when an accusation
38 or statement of issues has been filed against the applicant pursuant
39 to Section 11503 or 11504 of the Government Code, respectively,
Page 67 1 or the application has been denied in accordance with subdivision
2 (b) of Section 485.
3 (h) Notwithstanding any other provision of law, the board may
4 destroy all examination materials two years following the date of
5 an examination.
6 (i) ~~On and after January 1, 2016,~~ *If* the examination specified
7 by paragraph (2) of subdivision (a) of Section 4999.53 ~~shall be~~ *is*
8 *not* passed within seven years of an applicant for licensure's initial
9 ~~attempt.~~ *attempt, the applicant 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.*

Amendment 379
Amendment 380

Amendment 381

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

Page 67 13 ~~(k) An applicant for licensure shall not be eligible to participate~~
14 ~~in the examination specified by paragraph (2) of subdivision (a)~~
15 ~~of Section 4999.53, if he or she fails to obtain a passing score on~~
16 ~~this examination within seven years from his or her initial attempt.~~
17 ~~If the applicant for licensure fails to obtain a passing score within~~
18 ~~seven years of initial attempt, he or she shall obtain a passing score~~
19 ~~on the current version of the California law and ethics examination~~
20 ~~in order to be eligible to retake this examination.~~
22 ~~(*l*) This section shall become operative on January 1, 2016.~~
23 SEC. 53. Section 4999.55 of the Business and Professions
24 Code is amended to read:
25 4999.55. (a) Each applicant and registrant shall obtain a
26 passing score on a board-administered California law and ethics
27 examination in order to qualify for licensure.
28 (b) A registrant shall ~~participate in~~ *take* a board-administered **Amendment 383**
29 California law and ethics examination prior to his or her registration
30 renewal.
31 ~~(c) Notwithstanding subdivision (b), an applicant who holds a~~ **Amendment 384**
32 ~~registration eligible for renewal, with an expiration date no later~~
33 ~~than June 30, 2016, and who applies for renewal of that registration~~
34 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~
35 ~~allowed to renew the registration without first participating in the~~
36 ~~California law and ethics examination. These applicants shall~~
37 ~~participate in the California law and ethics examination in the next~~
38 ~~renewal cycle, and shall pass the examination prior to licensure or~~
39 ~~issuance of a subsequent registration number, as specified in this~~
40 ~~section.~~
Page 68 1 ~~(d)~~
\+ *(c)* If an applicant fails the California law and ethics
2 examination, he or she may retake the examination, upon payment
3 of the required fees, without further application, except as provided
4 in subdivision ~~(c).~~ *(d)*. **Amendment 385**
5 ~~(e)~~ **Amendment 386**
\+ *(d)* If a registrant fails to obtain a passing score on the California
6 law and ethics examination ~~described in subdivision (a)~~ within his **Amendment 387**
7 or her renewal period ~~on or after the operative date of this section,~~ **Amendment 388**
8 he or she shall complete, at minimum, a 12-hour course in
9 California law and ethics ~~in order to be eligible to participate in~~ **Amendment 389**
10 ~~the~~ *prior to retaking the board-administered* California law and
11 ethics examination. Registrants shall only take the 12-hour

Page 68 12 California law and ethics course once during a renewal period.
13 The 12-hour law and ethics course required by this section shall
14 be taken through a continuing education provider as specified by
15 the board by regulation, a county, state, or governmental entity,
+ or a college or university.

16 ~~(f)~~ **Amendment 390**

17 *(e)* The board shall not issue a subsequent registration number
18 unless the applicant has passed the California law and ethics
+ examination.

19 ~~(g) Notwithstanding subdivision (f), an applicant who holds or~~ **Amendment 391**
20 ~~has held a registration, with an expiration date no later than January~~
21 ~~1, 2017, and who applies for a subsequent registration number~~
22 ~~between January 1, 2016, and January 1, 2017, shall, if eligible,~~
23 ~~be allowed to obtain the subsequent registration number without~~
24 ~~first passing the California law and ethics examination. These~~
25 ~~applicants shall pass the California law and ethics examination~~
26 ~~during the next renewal period or prior to licensure, whichever~~
27 ~~occurs first.~~

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

30 ~~SEC. 54. Section 4999.62 of the Business and Professions~~ **Amendment 392**
31 ~~Code is amended to read:~~

32 ~~4999.62. (a) This section applies to persons who apply for~~
33 ~~examination eligibility or registration on or after January 1, 2016,~~
34 ~~and who do not hold a license as described in Section 4999.60.~~

35 ~~(b) For purposes of Section 4999.61, education is substantially~~
36 ~~equivalent if all of the following requirements are met:~~

37 ~~(1) The degree is obtained from an accredited or approved~~
38 ~~institution, as defined in Section 4999.12, and consists of, at a~~
39 ~~minimum, the following:~~

Page 69 1 ~~(A) (i) For an applicant who obtained his or her degree within~~
2 ~~the timeline prescribed by subdivision (a) of Section 4999.33 the~~
3 ~~degree shall contain no less than 60 graduate semester or 90~~
4 ~~graduate quarter units of instruction.~~

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

8 ~~(B) For an applicant who obtained his or her degree within the~~
9 ~~timeline prescribed by subdivision (a) of Section 4999.32 the~~
10 ~~degree shall contain no less than 48 graduate semester or 72~~
11 ~~graduate quarter units of instruction.~~

Page 69 12 ~~(C) Six semester or nine quarter units of practicum, including,~~
13 ~~but not limited to, a minimum of 280 hours of face-to-face~~
14 ~~supervised clinical experience counseling individuals, families, or~~
15 ~~groups.~~
16 ~~(D) The required areas of study listed in subparagraphs (A) to~~
17 ~~(M), inclusive, of paragraph (1) of subdivision (c) of Section~~
18 ~~4999.33.~~
19 ~~(i) (I) An applicant whose degree is deficient in no more than~~
20 ~~six of the required areas of study listed in subparagraphs (A) to~~
21 ~~(M), inclusive, of paragraph (1) of subdivision (c) of Section~~
22 ~~4999.33 may satisfy those deficiencies by successfully completing~~
23 ~~graduate level coursework at an accredited or approved institution,~~
24 ~~as defined in Section 4999.12. Coursework taken to meet any~~
25 ~~deficiencies shall be the equivalent of three semester units or four~~
26 ~~and one-half quarter units of study.~~
27 ~~(II) Notwithstanding subclause (I), no applicant shall be deficient~~
28 ~~in the required areas of study specified in subparagraph (E) or (G)~~
29 ~~of paragraph (1) of subdivision (c) of Section 4999.33.~~
30 ~~(ii) An applicant who completed a course in professional~~
31 ~~orientation, ethics, and law in counseling as required by~~
32 ~~subparagraph (I) of paragraph (1) of subdivision (c) of Section~~
33 ~~4999.33 that did not contain instruction in California law and ethics~~
34 ~~shall complete an 18-hour course in California law and professional~~
35 ~~ethics that includes, but is not limited to, instruction in advertising,~~
36 ~~scope of practice, scope of competence, treatment of minors,~~
37 ~~confidentiality, dangerous clients, psychotherapist-client privilege,~~
38 ~~recordkeeping, client access to records, state and federal laws~~
39 ~~relating to confidentiality of patient health information, dual~~
40 ~~relationships, child abuse, elder and dependent adult abuse, online~~
Page 70 1 ~~therapy, insurance reimbursement, civil liability, disciplinary~~
2 ~~actions and unprofessional conduct, ethics complaints and ethical~~
3 ~~standards, termination of therapy, standards of care, relevant family~~
4 ~~law, and therapist disclosures to clients. An applicant shall~~
5 ~~complete this coursework prior to registration as an associate.~~
6 ~~(iii) An applicant who has not completed a course in professional~~
7 ~~orientation, ethics, and law in counseling as required by~~
8 ~~subparagraph (I) of paragraph (1) of subdivision (c) of Section~~
9 ~~4999.33 shall complete this required coursework, including content~~
10 ~~in California law and ethics. An applicant shall complete this~~
11 ~~coursework prior to registration as an associate.~~

Page 70

~~(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.~~

Page 71

~~(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.~~

Page 71

~~(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 associate.~~

~~SEC. 55. 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.~~

Page 72

~~(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 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.~~

Page 72

~~(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 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 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~~

Page 73

Page 73 12 ~~standards, termination of therapy, standards of care, relevant family~~
13 ~~law, and therapist disclosures to clients. An applicant shall~~
14 ~~complete this coursework prior to registration as an associate.~~
15 ~~(iii) An applicant who has not completed a course in professional~~
16 ~~orientation, ethics, and law in counseling as required by~~
17 ~~subparagraph (I) of paragraph (1) of subdivision (c) of Section~~
18 ~~4999.33 shall complete this required coursework, including content~~
19 ~~in California law and ethics. An applicant shall complete this~~
20 ~~coursework prior to registration as an associate.~~
21 ~~(2) The applicant completes any units required under subdivision~~
22 ~~(c) of Section 4999.33 not already completed in his or her education~~
23 ~~as follows:~~
24 ~~(A) At least 15 semester units or 22.5 quarter units of advanced~~
25 ~~coursework to develop knowledge of specific treatment issues or~~
26 ~~special populations. This coursework is in addition to the course~~
27 ~~requirements described in subparagraph (D) of paragraph (1).~~
28 ~~(B) Coursework shall be from an accredited or approved school,~~
29 ~~college, or university as defined in Section 4999.12.~~
30 ~~(3) The applicant completes the following coursework not~~
31 ~~already completed in his or her education:~~
32 ~~(A) A minimum of 10 contact hours of training in human~~
33 ~~sexuality, as specified in Section 25 and any regulations~~
34 ~~promulgated thereunder, including the study of the physiological,~~
35 ~~psychological, and social cultural variables associated with sexual~~
36 ~~behavior, gender identity, and the assessment and treatment of~~
37 ~~psychosexual dysfunction.~~
38 ~~(B) A minimum of 15 contact hours of instruction in spousal~~
39 ~~or partner abuse assessment, detection, intervention strategies, and~~
40 ~~same-gender abuse dynamics.~~
Page 74 1 ~~(C) A minimum of seven contact hours of training or coursework~~
2 ~~in child abuse assessment and reporting as specified in Section 28~~
3 ~~and any regulations promulgated under that section.~~
4 ~~(D) A minimum of 10 contact hours of instruction in aging and~~
5 ~~long-term care, including biological, social, cognitive, and~~
6 ~~psychological aspects of aging. This coursework shall include~~
7 ~~instruction on the assessment and reporting of, as well as treatment~~
8 ~~related to, elder and dependent adult abuse and neglect.~~
9 ~~(E) This coursework may be from an accredited or approved~~
10 ~~school, college, or university as defined in Section 4999.12, or~~
11 ~~from a continuing education provider that is acceptable to the board~~

Page 74 12 ~~as defined in Section 4999.76. Undergraduate coursework shall~~
13 ~~not satisfy this requirement.~~
14 ~~(4) The applicant completes the following coursework not~~
15 ~~already completed in his or her education from an accredited or~~
16 ~~approved school, college, or university as defined in Section~~
17 ~~4999.12, or from a continuing education provider that is acceptable~~
18 ~~to the board as defined in Section 4999.76. Undergraduate~~
19 ~~coursework shall not satisfy this requirement.~~
20 ~~(A) At least three semester units or 45 hours of instruction~~
21 ~~regarding the principles of mental health recovery-oriented care~~
22 ~~and methods of service delivery in recovery-oriented practice~~
23 ~~environments, including structured meetings with various~~
24 ~~consumers and family members of consumers of mental health~~
25 ~~services to enhance understanding of their experience of mental~~
26 ~~illness, treatment, and recovery.~~
27 ~~(B) At least one semester unit or 15 hours of instruction that~~
28 ~~includes an understanding of various California cultures and the~~
29 ~~social and psychological implications of socioeconomic position.~~
30 ~~(5) An applicant may complete any units and course content~~
31 ~~requirements required by subparagraph (D) of paragraph (1) or~~
32 ~~paragraphs (2), (3), and (4) not already completed in his or her~~
33 ~~education while registered with the board as an associate, unless~~
34 ~~otherwise specified.~~
+ *SEC. 54. Section 4999.62 of the Business and Professions Code*
+ *is amended to read:*
+ 4999.62. (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 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 ~~units~~ or 90
+ graduate quarter units of instruction.
+ (ii) Up to 12 semester ~~units~~ 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 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 ~~units~~ or 72
+ graduate quarter units of instruction.
+ (C) Six semester ~~units~~ 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 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 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 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~~ *described* 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~~ *described* 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 paragraph (2), (3), or (4) not already completed in his or her education while registered with the board as an associate.
+ *SEC. 55. Section 4999.63 of the Business and Professions Code is amended to read:*
+ 4999.63. (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 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 units 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 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 units 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 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 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 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~~ *described* 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~~ *described* 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 associate, unless
+ otherwise specified.

Page 74 36 SEC. 56. Section 4999.90 of the Business and Professions
37 Code is amended to read:
38 4999.90. The board may refuse to issue any registration or
39 license, or may suspend or revoke the registration or license of
40 any associate or licensed professional clinical counselor, if the
Page 75 1 applicant, licensee, or registrant has been guilty of unprofessional
2 conduct. Unprofessional conduct includes, but is not limited to,
3 the following:
4 (a) The conviction of a crime substantially related to the
5 qualifications, functions, or duties of a licensee or registrant under
6 this chapter. The record of conviction shall be conclusive evidence
7 only of the fact that the conviction occurred. The board may inquire
8 into the circumstances surrounding the commission of the crime
9 in order to fix the degree of discipline or to determine if the

Page 75 10 conviction is substantially related to the qualifications, functions,
11 or duties of a licensee or registrant under this chapter. A plea or
12 verdict of guilty or a conviction following a plea of nolo contendere
13 made to a charge substantially related to the qualifications,
14 functions, or duties of a licensee or registrant under this chapter
15 shall be deemed to be a conviction within the meaning of this
16 section. The board may order any license or registration suspended
17 or revoked, or may decline to issue a license or registration when
18 the time for appeal has elapsed, or the judgment of conviction has
19 been affirmed on appeal, or, when an order granting probation is
20 made suspending the imposition of sentence, irrespective of a
21 subsequent order under Section 1203.4 of the Penal Code allowing
22 the person to withdraw a plea of guilty and enter a plea of not
23 guilty, or setting aside the verdict of guilty, or dismissing the
24 accusation, information, or indictment.
25 (b) Securing a license or registration by fraud, deceit, or
26 misrepresentation on any application for licensure or registration
27 submitted to the board, whether engaged in by an applicant for a
28 license or registration, or by a licensee in support of any application
29 for licensure or registration.
30 (c) Administering to himself or herself any controlled substance
31 or using any of the dangerous drugs specified in Section 4022, or
32 any alcoholic beverage to the extent, or in a manner, as to be
33 dangerous or injurious to the person applying for a registration or
34 license or holding a registration or license under this chapter, or
35 to any other person, or to the public, or, to the extent that the use
36 impairs the ability of the person applying for or holding a
37 registration or license to conduct with safety to the public the
38 practice authorized by the registration or license. The board shall
39 deny an application for a registration or license or revoke the
40 license or registration of any person, other than one who is licensed
Page 76 1 as a physician and surgeon, who uses or offers to use drugs in the
2 course of performing licensed professional clinical counseling
3 services.
4 (d) Gross negligence or incompetence in the performance of
5 licensed professional clinical counseling services.
6 (e) Violating, attempting to violate, or conspiring to violate any
7 of the provisions of this chapter or any regulation adopted by the
8 board.

Page 76 9 (f) Misrepresentation as to the type or status of a license or
10 registration held by the person, or otherwise misrepresenting or
11 permitting misrepresentation of his or her education, professional
12 qualifications, or professional affiliations to any person or entity.
13 (g) Impersonation of another by any licensee, registrant, or
14 applicant for a license or registration, or, in the case of a licensee
15 or registrant, allowing any other person to use his or her license
16 or registration.
17 (h) Aiding or abetting, or employing, directly or indirectly, any
18 unlicensed or unregistered person to engage in conduct for which
19 a license or registration is required under this chapter.
20 (i) Intentionally or recklessly causing physical or emotional
21 harm to any client.
22 (j) The commission of any dishonest, corrupt, or fraudulent act
23 substantially related to the qualifications, functions, or duties of a
24 licensee or registrant.
25 (k) Engaging in sexual relations with a client, or a former client
26 within two years following termination of therapy, soliciting sexual
27 relations with a client, or committing an act of sexual abuse, or
28 sexual misconduct with a client, or committing an act punishable
29 as a sexually related crime, if that act or solicitation is substantially
30 related to the qualifications, functions, or duties of a licensed
31 professional clinical counselor.
32 (*l*) Performing, or holding oneself out as being able to perform,
33 or offering to perform, or permitting any trainee, applicant, or
34 registrant under supervision to perform, any professional services
35 beyond the scope of the license authorized by this chapter.
36 (m) Failure to maintain confidentiality, except as otherwise
37 required or permitted by law, of all information that has been
38 received from a client in confidence during the course of treatment
39 and all information about the client which is obtained from tests
40 or other means.
Page 77 1 (n) Prior to the commencement of treatment, failing to disclose
2 to the client or prospective client the fee to be charged for the
3 professional services, or the basis upon which that fee will be
4 computed.
5 (o) Paying, accepting, or soliciting any consideration,
6 compensation, or remuneration, whether monetary or otherwise,
7 for the referral of professional clients. All consideration,
8 compensation, or remuneration shall be in relation to professional

Page 77 9 clinical counseling services actually provided by the licensee.
10 Nothing in this subdivision shall prevent collaboration among two
11 or more licensees in a case or cases. However, no fee shall be
12 charged for that collaboration, except when disclosure of the fee
13 has been made in compliance with subdivision (n).
14 (p) Advertising in a manner that is false, fraudulent, misleading,
15 or deceptive, as defined in Section 651.
16 (q) Reproduction or description in public, or in any publication
17 subject to general public distribution, of any psychological test or
18 other assessment device, the value of which depends in whole or
19 in part on the naivete of the subject, in ways that might invalidate
20 the test or device.
21 (r) Any conduct in the supervision of a registered associate,
23 trainee, or applicant by any licensee that violates this chapter or
24 any rules or regulations adopted by the board.
25 (s) Performing or holding oneself out as being able to perform
26 ~~professional~~ *mental health* services beyond the scope of one's **Amendment 393**
27 competence, as established by one's education, training, or
28 experience. This subdivision shall not be construed to expand the
29 scope of the license authorized by this chapter.
30 (t) Permitting a trainee, associate, or applicant under one's
31 supervision or control to perform, or permitting the trainee,
32 associate, or applicant to hold himself or herself out as competent
33 to perform, ~~professional~~ *mental health* services beyond the
34 trainee's, associate's, or applicant's level of education, training, **Amendment 394**
35 or experience.
37 (u) The violation of any statute or regulation governing the
38 gaining and supervision of experience required by this chapter.
Page 78 1 (v) Failure to keep records consistent with sound clinical
2 judgment, the standards of the profession, and the nature of the
3 services being rendered.
4 (w) Failure to comply with the child abuse reporting
5 requirements of Section 11166 of the Penal Code.
6 (x) Failing to comply with the elder and dependent adult abuse
7 reporting requirements of Section 15630 of the Welfare and
8 Institutions Code.
9 (y) Repeated acts of negligence.
10 (z) (1) Engaging in an act described in Section 261, 286, 288a,
11 or 289 of the Penal Code with a minor or an act described in
12 Section 288 or 288.5 of the Penal Code regardless of whether the

Page 78
13 act occurred prior to or after the time the registration or license
14 was issued by the board. An act described in this subdivision
15 occurring prior to the effective date of this subdivision shall
16 constitute unprofessional conduct and shall subject the licensee to
17 refusal, suspension, or revocation of a license under this section.
18 (2) The Legislature hereby finds and declares that protection of
19 the public, and in particular minors, from sexual misconduct by a
20 licensee is a compelling governmental interest, and that the ability
21 to suspend or revoke a license for sexual conduct with a minor
22 occurring prior to the effective date of this section is equally
23 important to protecting the public as is the ability to refuse a license
24 for sexual conduct with a minor occurring prior to the effective
25 date of this section.
26 (aa) Engaging in any conduct that subverts or attempts to subvert
27 any licensing examination or the administration of an examination
28 as described in Section 123.
29 (ab) Revocation, suspension, or restriction by the board of a
30 license, certificate, or registration to practice as a professional
31 clinical counselor, clinical social worker, educational psychologist,
32 or marriage and family therapist.
33 (ac) Failing to comply with the procedures set forth in Section
34 2290.5 when delivering health care via telehealth.
35 (ad) Willful violation of Chapter 1 (commencing with Section
36 123100) of Part 1 of Division 106 of the Health and Safety Code.
37 SEC. 57. Section 124260 of the Health and Safety Code is
38 amended to read:
39 124260. (a) As used in this section:

Page 79
1 (1) "Mental health treatment or counseling services" means the
2 provision of outpatient mental health treatment or counseling by
3 a professional person, as defined in paragraph (2).
4 (2) "Professional person" means any of the following:
5 (A) A person designated as a mental health professional in
6 Sections 622 to 626, inclusive, of Title 9 of the California Code
7 of Regulations.
8 (B) A marriage and family therapist, as defined in Chapter 13
9 (commencing with Section 4980) of Division 2 of the Business
10 and Professions Code.
11 (C) A licensed educational psychologist, as defined in Chapter
12 13.5 (commencing with Section 4989.10) of Division 2 of the
13 Business and Professions Code.

Page 79 14 (D) A credentialed school psychologist, as described in Section
15 49424 of the Education Code.
16 (E) A clinical psychologist licensed under Chapter 6.6
17 (commencing with Section 2900) of Division 2 of the Business
18 and Professions Code.
19 (F) Any of the following persons, while working under the
20 supervision of a licensed professional specified in Section 2902
21 of the Business and Professions Code:
22 (i) A registered psychologist, as defined in Section 2909.5 of
23 the Business and Professions Code.
24 (ii) A registered psychological assistant, as defined in Section
25 2913 of the Business and Professions Code.
26 (iii) A psychology trainee, as defined in Section 1387 of Title
27 16 of the California Code of Regulations.
28 (G) A licensed clinical social worker, as defined in Chapter 14
29 (commencing with Section 4991) of Division 2 of the Business
30 and Professions Code.
31 (H) An associate clinical social worker, or a social work intern,
32 as defined in Chapter 14 (commencing with Section 4991) of
33 Division 2 of the Business and Professions Code, while working
34 under the supervision of a licensed professional specified in Section
35 4996.20 of the Business and Professions Code.
37 (I) A person registered as an associate marriage and family
38 therapist or a marriage and family therapist trainee, as defined in
39 Chapter 13 (commencing with Section 4980) of Division 2 of the
40 Business and Professions Code, while working under the
Page 80 1 supervision of a licensed professional specified in subdivision (g)
2 of Section 4980.03 of the Business and Professions Code.
3 (J) A board certified, or board eligible, psychiatrist.
4 (K) A licensed professional clinical counselor, as defined in
5 Chapter 16 (commencing with Section 4999.10) of Division 2 of
6 the Business and Professions Code.
7 (L) A person registered as an associate ~~profession~~ *professional* | **Amendment 395**
8 clinical counselor or a clinical counselor trainee, as defined in
9 Chapter 16 (commencing with Section 4999.10) of Division 2 of
10 the Business and Professions Code, while working under the
11 supervision of a licensed professional specified in subdivision (h)
12 of Section 4999.12 of the Business and Professions Code.
13 (b) (1) Notwithstanding any provision of law to the contrary,
14 a minor who is 12 years of age or older may consent to mental

Page 80 15 health treatment or counseling services if, in the opinion of the
16 attending professional person, the minor is mature enough to
17 participate intelligently in the mental health treatment or counseling
18 services.
19 (2) A marriage and family therapist trainee, a clinical counselor
20 trainee, a psychology trainee, or a social work intern, as specified
21 in paragraph (2) of subdivision (a), shall notify his or her supervisor
22 or, if the supervisor is unavailable, an on-call supervisor at the site
23 where the trainee or intern volunteers or is employed within 24
24 hours of treating or counseling a minor pursuant to paragraph (1).
25 If upon the initial assessment of the minor the trainee or intern
26 believes that the minor is a danger to self or to others, the trainee
27 or intern shall notify the supervisor or, if the supervisor is
28 unavailable, the on-call supervisor immediately after the treatment
29 or counseling session.
30 (3) Nothing in paragraph (2) is intended to supplant, alter,
31 expand, or remove any other reporting responsibilities required of
32 trainees or interns under law.
33 (c) Notwithstanding any provision of law to the contrary, the
34 mental health treatment or counseling of a minor authorized by
35 this section shall include involvement of the minor's parent or
36 guardian, unless the professional person who is treating or
37 counseling the minor, after consulting with the minor, determines
38 that the involvement would be inappropriate. The professional
39 person who is treating or counseling the minor shall state in the
40 client record whether and when the person attempted to contact
Page 81 1 the minor's parent or guardian, and whether the attempt to contact
2 was successful or unsuccessful, or the reason why, in the
3 professional person's opinion, it would be inappropriate to contact
4 the minor's parent or guardian.
5 (d) The minor's parent or guardian is not liable for payment for
6 mental health treatment or counseling services provided pursuant
7 to this section unless the parent or guardian participates in the
8 mental health treatment or counseling, and then only for services
9 rendered with the participation of the parent or guardian.
10 (e) This section does not authorize a minor to receive convulsive
11 treatment or psychosurgery, as defined in subdivisions (f) and (g)
12 of Section 5325 of the Welfare and Institutions Code, or
13 psychotropic drugs without the consent of the minor's parent or
14 guardian.

Page 81 16 SEC. 58. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

O

98

Blank Page

CAMFT
CONNECT
ENRICH
ACHIEVE

California Association of Marriage and Family Therapists
7901 Raytheon Road, San Diego, CA 92111-1606
Phone: (858) 292-2638 | Fax: (858) 292-2666 | www.camft.org

January 29, 2018

Christina Wong, LCSW
Policy and Advocacy Committee, Chair
Board of Behavioral Sciences
1625 N Market Blvd S-200
Sacramento, CA 95834

RE: AB 93 and the 90 Day Rule

Dear Chair Wong and Committee Members:

On behalf of the California Association of Marriage and Family Therapists (CAMFT), we ask that the Board of Behavioral Sciences' (BBS) Policy and Advocacy Committee (P&A Committee) reverse their October 2017 decision to remove section 4980.43(h) of the Business and Professions Code from California law, and instead accept the viable alternative that has been put forth by CAMFT and supported by the Senate Business, Professions and Economic Development (Senate BPED) Committee's Chair, Jerry Hill into AB 93 (2017).

Section 4980.43(h) allows aspiring marriage and family therapists (and now professional clinical counselors) to count the clinical hours they've gained from the time of graduation until the time their registration is approved by the BBS ("the 90 day rule"). This law has been in place since the 1980s and to date, there is no known instance of harm to a client by an unsafe therapist as a result of this section.

In spring 2017, the Senate BPED Committee Chair raised concerns that the hours gained after graduation, and prior to registration, were not mandated at a live-scanned facility. Although the concern was not raised due to a specific incident, the Senate BPED Committee indicated that AB 93-2017 (which embodied the BBS's amendments to supervision) would not move forward unless section 4980.43(h) was either removed or a viable alternative was agreed upon.

Accordingly, over the last six months, CAMFT has solicited support and technical assistance from numerous stakeholders, including the BBS and Senate BPED Committee, among others. We have worked closely with the Senate BPED Committee Chair and Consultant to ensure that the language we agreed upon was supported. The following agreed upon language, allows providers to continue seeing their patients while at the same time alleviating the Senate BPED Committee's concerns about live-scan:

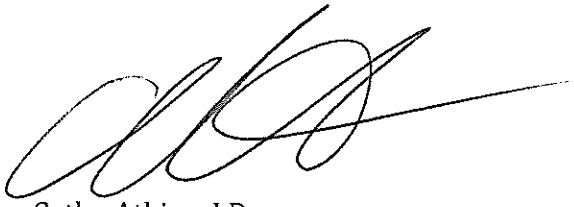
§4980.43 (h) Postdegree *(pre-registration)* hours of experience shall be credited toward licensure ~~so long as~~ *if all of the following apply*: 1. The *registration* applicant applies for the *associate* registration within 90 days of the granting of the qualifying master's or doctoral degree; 2. *the experience is obtained at a workplace that, prior to the registration applicant gaining direct service/client experience, requires completed Live Scan fingerprinting; and,* 3. the board subsequently grants the *associate* registration ~~and is thereafter granted the intern registration by the board.~~.

This above language has now been vetted by numerous stakeholders including schools, agencies, and provider advocacy groups. While most stakeholders would prefer §4980.43 (h) to remain untouched, they concur that mandating live-scanned hours during the graduation to registration timeframe is preferable to losing the ability to gain hours in its entirety. To now remove the 90 day rule, given there is a viable alternative, actually decreases consumer protection—it disrupts continuity of care, increases patient abandonment, and amplifies pre-licensee exploitation for no reasonable or sensible purpose.

While some pre-licensees may lose their ability to gain hours during the timeframe in question, the alternative above, allows the majority to continue to gain hours and in a manner consistent with consumer protection. As mentioned above, the proposed amendments have been vetted by numerous stakeholders and is supported by the Senate BPED Committee Chair and Consultant.

We thank you for reviewing our request and look forward to discussing it further during the February P&A Committee meeting.

Sincerely,



Nabil El-Ghoroury, Ph.D.
Executive Director

Cathy Atkins, J.D.
Deputy Executive Director

Cc: Kim Madsen, Executive Officer
Rosanne Helms, Legislative Analyst
Political Solutions

AMERICAN ASSOCIATION
FOR MARRIAGE AND FAMILY THERAPY
CALIFORNIA DIVISION

January 25, 2018

Kim Madsen, Executive Officer
Christina Wong, Chair
Rosanne Helms, Policy Analyst
Board of Behavioral Sciences
1625 N Market Blvd, #S-200
Sacramento CA 95834

Re: AB 93 (Medina) – Proposed amendments

Dear Ms. Madsen, Ms. Wong, Ms. Helms, and members of the Policy and Advocacy Committee,

The American Association for Marriage and Family Therapy, California Division (AAMFT-CA) has not yet taken a formal position on Assembly Bill 93, which would update the standards for supervision for marriage and family therapists. We are alarmed by amendments proposed at the November 2017 Policy and Advocacy Committee meeting, which we believe would harm client care without achieving any public protection purpose.

The proposed amendments would remove the ability for recent graduates to gain hours of experience toward licensure as they await registration by the board. The so-called "90-day rule" presently holds that so long as an individual applies for Associate registration within 90 days of their degree posting date, and is subsequently granted that registration, then hours of experience they gained between graduation and registration may be counted toward licensure *if* they meet all other requirements for supervised experience.

This has been law for almost 40 years, and to the best of our knowledge and research, has not led to a single instance of harm to a client by an unsafe practitioner.

Removing the 90-day rule, however, would have immediate harmful effects. In practice, the *best* outcome possible would be that therapists in exempt settings continue seeing their clients and simply cannot count hours between graduation and registration, delaying their licensure by 3 to 4 months – again, with no demonstrable public protection gain. More likely is that graduates will stop seeing clients between graduation and licensure – either of their own accord because the hours cannot count toward licensure, or as a restriction imposed by their employer – harming continuity of care. Neither of these outcomes is acceptable when no demonstrable public protection aim is to be achieved.

(continued)

PO Box 6907, Santa Barbara CA 93160 | (805) 681-1413 | olivialoewy@aamftca.org

AMERICAN ASSOCIATION
FOR MARRIAGE AND FAMILY THERAPY
CALIFORNIA DIVISION

A viable and reasonable alternative has been suggested that not only is approved by the Senate Business and Professions Committee, but can protect many post-graduates' hours and instill even greater consumer protection than removing the 90-day rule altogether. There is no consumer protection reason *not* to go with this alternative.

You have met and discussed this on numerous occasions with CAMFT. We are in full agreement that the BBS Policy & Advocacy Committee should reverse its vote and instead recommend to the full Board the adoption of the following language:

§4980.43 (h) Postdegree *(pre-registration)* hours of experience shall be credited toward licensure ~~so long as~~ *if all of the following apply*: 1. The *registration* applicant applies for the *associate* registration within 90 days of the granting of the qualifying master's or doctoral degree; 2. *the experience is obtained at a workplace that, prior to the registration applicant gaining direct service/client experience, requires completed Live Scan fingerprinting*~~;~~ *and,* 3. the board subsequently grants the *associate* registration ~~and is thereafter granted the intern registration by the board.~~.

The American Association for Marriage and Family Therapy is the national professional association for the field of marriage and family therapy. We represent the professional interests of more than 50,000 marriage and family therapists throughout the United States, Canada and abroad. Our association facilitates research, theory development and education. We develop standards for graduate education and training, clinical supervision, professional ethics and the clinical practice of marriage and family therapy.

If you would like to discuss the bill further, please do not hesitate to call. It would be a pleasure to speak with you.

Sincerely,

Olivia Loewy

Olivia Loewy, Ph.D.
Executive Director
AAMFT-CA Division

PO Box 6907, Santa Barbara CA 93160 | (805) 681-1413 | olivialoewy@aamftca.org

Orange County
California Association of Marriage and Family Therapists

January 24, 2018

To: BBS Policy and Advocacy Committee

RE: AB 93 and 90 Day Rule

Dear Chair Wong and Committee Members:

On behalf of the 885 members of the Orange County Chapter of the California Association of Marriage and Family Therapists, we are writing to express extreme concern about the Board of Behavioral Sciences Policy and Advocacy Committee's October 2017 vote to remove post-graduate MFT's ability to gain hours as they await registration (otherwise known as the 90 day rule).

Business & Professions Code section 4980.43(h), which allows post-graduate MFTs to gain hours while they await registration, has been part of the MFT, and now LPCC, road to licensure for decades. To date, little to no evidence has been brought forward by the DCA showing any consumer harm allocated from post-graduate's ability to gain hours. To remove post-graduate's ability to gain these hours for no reasonable purpose will result in numerous unintended consequences including a decline in continuity of care, client abandonment and further pre-licensee exploitation. In order to hold positions and provide continuity of care, it is likely that many pre-licensees will continue seeing clients without hours or pay during the 90 day rule period. As cries for equality emanate from our nation, please consider the unintended perpetuation of prelicensee exploitation as a result of the 90 day rule.

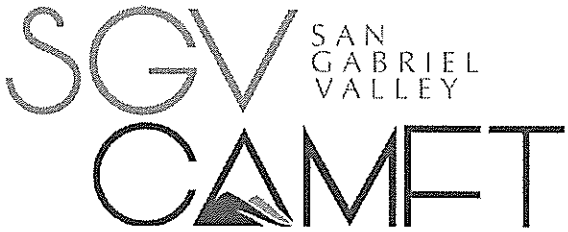
Accordingly, we ask that the Committee vote to reverse their recommendation to remove the 90 day rule, and 2) work with stakeholders to come to a reasonable and viable alternative. We are aware that CAMFT has forwarded numerous alternatives, and ask that the BBS engage in dialogue to mutually determine a way to protect the ability of most, if not all, post-graduates ability to continue gaining their hours as they await registration.

Thank you for your attention to this matter.

Sincerely,

Carla Rather

Carla Rather, LMFT
OC CAMFT President



1/24/18

To: BBS Policy and Advocacy Committee

RE: AB 93 and 90 Day Rule

Dear Chair Wong and Committee Members:

On behalf of the San Gabriel Valley Chapter of CAMFT, I am writing to express extreme concern about the Board of Behavioral Sciences Policy and Advocacy Committee's October 2017 vote to remove post-graduate MFT's ability to gain hours as they await registration (otherwise known as the 90 day rule).

Business & Professions Code section 4980.43(h), which allows post-graduate MFTs to gain hours while they await registration, has been part of the MFT, and now LPCC, road to licensure for decades. To date, little to no evidence has been brought forward by the BBS or DCA showing any consumer harm allocated from post-graduate's ability to gain hours. To remove post-graduate's ability to gain these hours for no reasonable purpose will result in numerous unintended consequences including a decline in continuity of care, client abandonment and further pre-licensee exploitation.

Accordingly, I ask that the Committee vote to 1) reverse their recommendation to remove the 90 day rule, and 2) work with stakeholders to come to a reasonable and viable alternative. We are aware that CAMFT has forwarded numerous alternatives, and ask that the BBS engage in dialogue to mutually determine a way to protect the ability of most, if not all, post-graduates' ability to continue gaining their hours as they await registration.

Thank you for your attention to this matter.

Sincerely,

Natasha Morisawa, LMFT

Board President, San Gabriel Valley Chapter CAMFT

SGVCAMFTPresident@gmail.com

The MFT Consortium of Orange County

January 20, 2018

To: BBS Policy and Advocacy Committee
RE: AB 93 and 90 Day Rule

Dear Chair Wong and Committee Members:

On behalf of the MFT Consortium of Orange County we are writing to express extreme concern about the Board of Behavioral Sciences Policy and Advocacy Committee's October 2017 vote to remove post-graduate MFT's ability to gain hours as they await registration (otherwise known as the 90 day rule).

Business & Professions Code section 4980.43(h), which allows post-graduate MFTs to gain hours while they await registration, has been part of the MFT, and now LPCC, road to licensure for decades. To date, little to no evidence has been brought forward by the BBS or DCA showing any consumer harm allocated from post-graduate's ability to gain hours. To remove post-graduate's ability to gain these hours for no reasonable purpose will result in numerous unintended consequences including a decline in continuity of care, client abandonment and further pre-licensee exploitation.

Accordingly, we ask that the Committee vote to reverse their recommendation to remove the 90 day rule, and 2) work with stakeholders to come to a reasonable and viable alternative. We are aware that CAMFT has forwarded numerous alternatives, and ask that the BBS engage in dialogue to mutually determine a way to protect the ability of most, if not all, post-graduates ability to continue gaining their hours as they await registration.

Thank you for your attention to this matter.

Sincerely,

Kathleen Wenger, M.A. LMFT, LPCC Co-chair
Manager, M.A. Professional Development and Clinical Training
Graduate School of Education and Psychology
Pepperdine University, Orange County Campus
Tel: (949) 223-2580 kathleen.wenger@pepperdine.edu

Susan Read-Weil, M.A. L.M.FT. Co-chair
Adjunct Faculty
Pepperdine University, Orange County
Pepperdine University, Orange County Campus susanreadweil.mft@gmail.com

Mary M. Read, Ph.D., LMFT Co-chair
Director of Clinical Training Department of Counseling
California State University, Fullerton
(714)278-2167 mread@Exchange.fullerton.edu

Blank Page

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	February 6, 2018
From:	Rosanne Helms Legislative Analyst	**Telephone:**	(916) 574-7897
Subject:	**Proposed Legislative Amendments: Psychotherapist-Patient Sexual Behavior and Sexual Contact**		

Summary

This proposal makes changes to the general sections of the Business and Professions Code (BPC) relating to the requirement and criteria that the Department of Consumer Affairs (Department) create a brochure to educate the public about the prohibition of sexual behaviors in therapy.

This effort is being led by the Board of Psychology (BOP). In an effort to modernize the statutory language and corresponding informational materials, the BOP invited representatives from the Board of Behavioral Sciences and the Medical Board to participate in stakeholder meetings to gain input. The BOP plans to sponsor the resulting language as part of this year's omnibus bill.

Discussion of the Problem

Current law mandates that the Department prepare and disseminate an informational brochure for victims of psychotherapist-patient sexual contact. The current requirement for the creation and dissemination of this brochure is found under Business and Professions Code (BPC) sections 337 and 728. These sections have outdated language and are missing currently recognized forms of sexual exploitation.

Specific areas of concern include:

- Outdated terminology that does not include sexual behaviors that have arisen with advances in technology;
- A requirement to consult with the Sexual Assault Program of the Office of Criminal Justice Planning (which no longer exists) and the office of the Attorney General;
- A requirement to define civil and professional associations complaint procedures;
- Outdated license classifications under the Board of Behavioral Sciences;
- Other minor technical changes.

One major change to the proposed amendments is to include a definition of "sexual behavior." BPC section 728 currently defines "sexual contact" but does not define "sexual behavior." Without this definition, the law fails to address modern modes of communication that lend

themselves to various inappropriate sexualized behavior about which the boards receive complaints.

For example, a psychotherapist sending sexually suggestive pictures or romantically charged messages, touching or exposing oneself inappropriately, making sexual comments or using sexual language that is inappropriate within the scope of treatment, do not currently meet the definition of sexual contact for purposes of the Code.

Proposed Amendments

BPC section 337 is amended as follows:

- Add "sexual behavior" as a descriptor for inappropriate sexual activities that do not fit the definition of sexual contact;
- Remove mandated consultation with third party entities;
- Remove reference to victims' family histories;
- Change "options" to "instructions" to clarify necessary action steps;
- Remove language referring to civil authority and professional associations;
- Add the Board of Psychology to the list of boards required to disseminate the brochure.

BPC section 728 is amended as follows:

- Add a definition of "sexual behavior" for inappropriate sexual activities that do not fit the definition of sexual contact. Sexual behavior means inappropriate contact or communication of a sexual nature.
- Update the license categories under the Board of Behavioral Sciences to reflect current law; including adding licensed educational psychologists to the definition of a "psychotherapist" for purposes of recognizing sexual behavior between a Board licensee and a patient.

The proposed language is shown in **Attachment A.**

Additional Amendment Requested

Upon review of the proposed amendments, staff identified a reference error in BPC §728(c)(1). "Licensed Educational Psychologist" is being added to the definition of a psychotherapist in this subsection, for purposes of recognizing sexual contact and sexual behavior between a Board licensee and a patient. However, the placement of the term "Licensed Educational Psychologist" implies that it is located within the LPCC licensing law, which is incorrect. Therefore, staff recommends the following amendment (suggested changes shown in red):

BPC §728(c)(1) "Psychotherapist" means a physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy, a psychologist, a psychological assistant, a registered psychologist, a trainee under the supervision of a licensed psychologist, a clinical social worker, a marriage and family therapist, a licensed professional clinical counselor, a licensed educational psychologist, ~~a psychological assistant,~~ an associate marriage and family therapist ~~registered intern~~ or marriage and family therapist trainee, an ~~intern~~ associate professional clinical counselor or clinical counselor trainee, ~~and a Licensed Educational Psychologist~~ as specified in Chapter 16 (commencing with Section 4999.10), or an associate clinical social worker.

Recommendation

Conduct an open discussion of the proposed amendments, and determine if the Board wishes to take an official position on the language.

Attachments

Attachment A: Proposed Language

Blank Page

ATTACHMENT A
PROPOSED LANGUAGE

AMEND BUSINESS AND PROFESSIONS CODE (BPC) §337.
(a) The department shall prepare and disseminate an informational brochure for victims of psychotherapist-patient sexual behavior and sexual contact and their advocates ~~for those victims~~. This brochure shall be developed by the department ~~in consultation with members of the Sexual Assault Program of the Office of Criminal Justice Planning and the office of the Attorney General~~.

(b) The brochure shall include, but is not limited to, the following:

(1) A legal and an informal definition of psychotherapist-patient sexual behavior and sexual contact.

(2) A brief description of common personal reactions ~~and histories of victims and victim's families~~.

(3) A patient's bill of rights.

(4) ~~Options~~ Instructions for reporting psychotherapist-patient sexual behavior and sexual contact ~~relations and instructions for each reporting option~~.

(5) A full description of administrative~~, civil, and professional associations~~ complaint procedures.

(6) A description of services available for support of victims.

(c) The brochure shall be provided to each individual contacting the Medical Board of California, the Board of Psychology, ~~and affiliated health boards~~, or the Board of Behavioral Sciences regarding a complaint involving psychotherapist-patient sexual behavior and sexual contact ~~relations~~.

AMEND BPC §728.
(a) Any psychotherapist or employer of a psychotherapist who becomes aware through a patient that the patient had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the patient a brochure developed ~~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 psychological assistant, a registered psychologist, a trainee under the supervision of a licensed 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~~ associate professional clinical counselor or clinical counselor trainee, and a Licensed Educational Psychologist 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) “Sexual behavior” means inappropriate contact or communication of a sexual nature.

(~~3~~4) “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~~5) “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.

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	February 12, 2018
From:	Rosanne Helms Legislative Analyst	**Telephone:**	(916) 574-7897
Subject:	**Required Degree Program Content for LPCCs – Assessment and Diagnosis**		

Background

In late 2015, the Board discussed the need to tighten licensing requirements for professional clinical counselors (LPCCs) to ensure applicants possess degrees designed to lead to licensure in clinical counseling. At that time, the law already required a degree to be "counseling or psychotherapy" in content and contain practicum and certain core content areas, a specified number of which could be remediated. However, there were concerns that Board was receiving applications, particularly from out-of-state candidates, with degrees that were not specifically designed to prepare the individual to be a clinical counselor. Examples of these types of degrees included degrees in behavior analysis, art or dance therapy, human relations, human services, and rehabilitation counseling.

The Board first considered designating specific degree titles as acceptable or not acceptable for licensure. However, after receiving stakeholder feedback and discussing the matter further, the Board ultimately concluded that a degree should be evaluated based on its content, and not by its title. Therefore, discussion shifted to two required LPCC core content areas that the Board agreed are fundamental to a clinical counseling degree (Business and Professions Code (BPC) §§4999.32(c)(1)(E) & (G), 4999.33(c)(1)(E) &(G)):

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

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

The Board recommended that these two core content areas be designated as not eligible for remediation, for both in-state and out-of-state degrees. In other words, an LPCC applicant's

degree must fully contain these two core areas (3 semester units or 4.5 quarter units), with no exceptions, meaning a new degree would be required for licensure if this requirement is not met. All other core content areas remained eligible for remediation as allowed by current law.

The provision that the assessment and diagnosis core content areas could not be remediated was included in AB 1917 (Obernolte, Chapter 70, Statutes of 2016), and the provision became law for anyone applying for a license or a registration after January 1, 2017.

Recent Concerns

AB 1917 has been in effect for approximately one year. During this time, the Board's licensing unit has encountered situations where in-state applicants were denied licensure, due to the degree not containing the full number of units for the assessment and/or diagnosis core content areas. In some cases, the applicants have argued they were not aware of the new requirement, and that more notice should have been given so that they had time to remediate. In other cases, schools have argued that their degree should qualify, because it falls under the provisions of BPC §4999.32 (which outlines degree requirements for degrees begun before August 1, 2012 and completed before December 31, 2018) and therefore, they believed that any requirements could be finished by the end of 2018.

Attachment A shows each in-state applicant, by school and degree program, that was denied a license, through October 2017, due to the degree being deficient in assessment and/or diagnosis.

Attachment B shows each out-of-state applicant, by degree title, that was denied through October 2017, due to the degree being deficient in assessment and/or diagnosis.

Possible Actions and Policy and Advocacy Committee Recommendation

Potential courses of action are as follows:

- **Option 1:** Take no action.

- **Option 2:** Remove the prohibition on remediation of the assessment and diagnosis core content areas for in-state applicants. The problem of degrees not being intended to lead to LPCC licensure is more common for out-of-state degrees. Out-of-state applicants are able to remediate a higher number of core content areas (out-of-state applicants may remediate up to six core content areas (except assessment and diagnosis), while in-state applicants may remediate either two or three core content areas (except assessment and diagnosis), depending on when the degree was earned.)

- **Option 3:** Amend the law to allow in-state applicants more time to remediate the assessment and diagnosis coursework, until January 1, 2020. Under this proposal, the Board would offer a one-time grace period for in-state applicants who are missing the coursework, but who were intending to apply for licensure, to qualify. This grace period would also allow in-state applicants who were previously denied due to missing the coursework, to reapply. (See **Attachment C** for proposed language.)

At its meeting on February 9, 2018, the Policy and Advocacy Committee recommended that the Board consider **Option 3**.

Attachments

Attachment A: In-State Applicant Denials in 2017 for Assessment and/or Diagnosis Core Content Deficiency

Attachment B: Out-of-State Applicant Denials in 2017 for Assessment and/or Diagnosis Core Content Deficiency

Attachment C: Proposed language for Option 3

Blank Page

Attachment A
In-State Applicant Denials in 2017 for Assessment and/or Diagnosis Core Content Deficiency

School	Degree Qualifying Code Section (BPC) [1]	Degree Title	Missing Content Area	Number of Applicants Denied	Year of Appplicants' Graduation
Azusa Pacific	4999.32	Education Counseling	Diagnosis	3	2009, 2012, 2014
Laverne	4999.32	Education Counseling	Diagnosis	2	2009, 2012
Redlands	4999.32	School Education	Diagnosis	1	2011
Point Loma Nazarene	4999.32	Education Guidance	Diagnosis	1	n/a
La Sierra	4999.32	School Counseling	Diagnosis	1	2008
Pacific Graduate	4999.32	Psych. Counseling	Diagnosis	1	2005
National University	4999.32	Education Counseling	Diagnosis	2	2005, 2008
CSU Northridge	4999.32	School Counseling	Diagnosis	2	1996, 2003
CA Institute of Integral Studies	4999.32	Psychology	Diagnosis	1	2007
Loyola	4999.32	School Counseling	Assessment	1	2012
CSU Fresno	4999.32	Rehabilitation Counseling	Diagnosis	2	2011, 2013
CSU San Diego	4999.32	Rehabilitation Counseling	Diagnosis	2	2010, 2013
Pepperdine	4999.33	Clinical Psychology	Assessment	1	2017
CSU Los Angeles	4999.33	Counseling	Diagnosis	1	2017
Total Applicants Denied				**21**	

[1] Degrees qualifying under Business and Professions Code Section 4999.32 must have begun before August 1, 2012 and completed on or before December 31, 2018. These degrees have 9 required core content areas.
Degrees qualifying under Business and Professions Code Section 4999.33 are degrees begun after August 1, 2012, or are degrees that were begun earlier than this date and not completed by December 31, 2018. These degrees have 13 required core content areas.

Blank Page

Attachment B
Out-of-State Applicant Denials in 2017 for Assessment and/or Diagnosis Core Content Deficiency

Degree Title	Missing Content Area	Number of Applicants Denied	Year of Appplicants' Graduation
Counseling	Assessment and Diagnosis	1	2015
Community Counseling	Diagnosis	1	n/a
Counseling Psychology	Diagnosis	2	2008, 2013
Human Development	Diagnosis	1	n/a
Dance Movement	Assessment	1	n/a
Addiction Counseling	Assessment	1	n/a
Drama Therapy	Assessment	2	n/a
Art Therapy	Assessment and/or Diagnosis	3	2015
School Counseling	Diagnosis	1	2000
Psychology	Assessment and Diagnosis	2	n/a
Mental Health	Assessment (or lack of total req'd units)	5	range: 2011-2017
Professional Counseling	Assessment (missing units)	1	n/a
Total Applicants Denied		**21**	

Blank Page

ATTACHMENT C
PROPOSED LANGUAGE FOR OPTION 3
IN-STATE APPLICANTS ONLY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

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

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

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

(G) Health and wellness promotion.

(H) Other recognized counseling interventions.

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

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

(B) Notwithstanding subparagraph (A), no applicant whose application is received by the board after December 31, 2019, shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).

(i) Applicants for licensure who were issued an associate registration on or before December 31, 2019, whose degree was deficient in either of these areas and who remediated the deficiency pursuant to subparagraph (A) of paragraph (1) of this subdivision, shall be exempt from this requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) This section shall apply to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

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

(G) Health and wellness promotion.

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

(I) How to find and use resources.

(J) Other recognized counseling interventions.

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

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

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

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

(3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.

(4) An understanding of the effects of socioeconomic status on treatment and available resources.

(5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.

(6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(7) Human sexuality, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

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

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

(10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

(1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.

(2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.

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

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

(B) Notwithstanding subparagraph (A), no applicant whose application is received by the board after December 31, 2019, shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).

(i) Applicants for licensure who were issued an associate registration on or before December 31, 2019, whose degree was deficient in either of these areas and who remediated the deficiency pursuant to subparagraph (A) of paragraph (1) of this subdivision, shall be exempt from this requirement.

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

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

Blank Page

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	February 7, 2018
From:	Rosanne Helms Legislative Analyst	**Telephone:**	(916) 574-7897
Subject:	**Legislative Update**		

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.

2. **Licensing Process Bill *(No Bill Number Assigned at This Time)***

   The Board is proposing a bill to make some amendments to its licensing process. The bill will make amendments to specify how an expired registration may be renewed, and to supervised experience hours required for long term out-of-state license holders. It also makes some corrections to LCSW law regarding the California law and ethics exam and law and ethics coursework.

3. **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 2, 2017 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

Blank Page

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	February 13, 2018
From:	Christy Berger Regulatory Analyst	**Telephone:**	(916) 574-7817
Subject:	**Rulemaking Update**		

Application Processing Times and Registrant Advertising

This proposal would amend the Board's advertising regulations in line with SB 1478 (Chapter 489, Statutes of 2016) which changes the term "intern" to "associate" effective January 1, 2018, and makes several technical changes. This proposal would also amend the regulation that sets forth minimum and maximum application processing time frames.

The final proposal was approved by the Board at its meeting in November 2016. The proposal has completed the new "initial review phase" process required by DCA, and was published in the California Regulatory Notice Register on July 7, 2017. The 45-day public comment period has ended, and the public hearing was held on August 22, 2017. The rulemaking package is currently under final review by the Office of Administrative Law.

Contact Information; Application Requirements; Incapacitated Supervisors

This proposal would:

- Require all registrants and licensees to provide and maintain a current, confidential telephone number and email address with the Board.
- Codify the Board's current practice of requiring applicants for registration or licensure to provide the Board with a public mailing address, and ask applicants for a confidential telephone number and email address.
- Codify the Board's current practice of requiring applicants to provide documentation that demonstrates compliance with legal mandates, such as official transcripts; to submit a current photograph; and for examination candidates to sign a security agreement.
- Require certain applications and forms to be signed under penalty of perjury.
- Provide standard procedures for cases where a registrant's supervisor dies or is incapacitated before the completed hours of experience have been signed off.

The proposal was approved by the Board at its meeting in March 2017, and is in the new "initial review phase" process required by DCA, which can take up to four months. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

Enforcement

This proposal would result in updates to the Board's disciplinary process. It would also make updates to the Board's "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Revised October 2015)," which are incorporated by reference into the Board's regulations. The proposed changes fall into three general categories:

1. Amendments seeking to strengthen certain penalties that are available to the Board;
2. Amendments seeking to update regulations or the Uniform Standards/Guidelines in response to statutory changes to the Business and Professions Code; and
3. Amendments to clarify language that has been identified as unclear or needing further detail.

The proposal was approved by the Board at its meeting in February 2017, and is in the new "initial review phase" process required by DCA. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee

This proposal would amend the Board's examination rescoring provisions to clarify that rescoring pertains only to exams taken via paper and pencil, since all other taken electronically are automatically rescored. This proposal would also make clarifying, non-substantive changes to the Board's application abandonment criteria, and clarify the fee required for subsequent Associate Professional Clinical Counselor registrations. The proposal was approved by the Board at its meeting in November 2017, and is currently being prepared by staff for the initial DCA review phase.

BBS REGULATION TIME LINE

Regulation Package Name	Date of Board Approval	Date Submitted to DCA - Initial Review	Date Submitted to Agency- Initial Review	Date Noticed	Public Hearing Date	Date Submitted to DCA - Final Review	Date Submitted to Agency – Final Review	Date Submitted to DOF	Date Submitted to OAL - Approval	Date OAL Approved
Enforcement Update to Disciplinary Guidelines	3/3/17	7/11/17								
Application Processing Times and Registrant Advertising*	11/4/16	12/28/16	Agency completed review 6/6/17	7/7/17	8/22/17	9/13/17	1/22/18	2/8/18	2/8/18	
Contact Information; Application Requirements; Incapacitated Supervisors	3/3/17	8/22/17								
Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee	11/2/17									

*Statute to change "Intern" to "Associate" became effective January 1, 2018

DCA and Agency Initial Review Process: Following review by the Board's attorney and preparation of the required documentation (Notice, Initial Statement of Reasons, and the Fiscal Impact Std. 399), the package is submitted to DCA's legislative and policy review division, who routes it through the budget office and legal office for their review and approval. ~~Once approved~~ Next, the package is submitted to DCA Executive Office for review/approval. The package is then submitted to Agency for an initial review. Once approved by Agency, the Board is able to submit the package to the Office of Administrative Law to Notice the proposed regulation change.

Notice and Public Hearing: The Notice initiates the 45-day public comment period. Following the 45-day comment period, a public hearing is scheduled. The Board must consider all comments submitted. If any substantive changes are made to the text of the proposal, the Board must approve the language again, and provide the public with a 15-day public comment period. If no changes are made to the proposal, the Board submits the package to DCA for final review.

DCA and Agency Final Review: The initial review process is repeated.

Submission to DOF and OAL for Final Approval: Both the Department of Finance and the Office of Administrative Law must approve the regulation package. The review may occur at the same time. However, OAL is the final approval. Once OAL approves the regulation package, the proposal is adopted and it is assigned an effective date.