



Board of Behavioral Sciences

Memo

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To: Committee Members **Date:** July 23, 2025

From: Syreeta Risso
Special Projects & Research Analyst

Subject: **Discussion and Possible Recommendations Regarding Statutory Amendments Related to the Practice of Pastoral Counseling**

The Board's practice acts require a valid and active license or registration to provide services within the scope of marriage and family therapy, clinical social work, professional clinical counseling, and educational psychology. The following Business and Professions Code sections currently exempt priests, rabbis and ministers of the gospel of any religious denomination when performing counseling services as part of their pastoral or professional duties:

LMFTs – 4980.01(b):

This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of their pastoral or professional duties, or to any person who is admitted to practice law in the state, or a physician and surgeon who provides counseling services as part of their professional practice.

LPCCs – 4999.22(c):

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

LCSWs – 4996.13(f):

Nothing in this article shall prevent qualified members of other professional groups from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, they shall not hold themselves out to the public by any title or description of services incorporating

the words psychosocial, or clinical social worker, or that they shall not state or imply that they are licensed to practice clinical social work. These qualified members of other professional groups include, but are not limited to, the following:

(f) A priest, rabbi, or minister of the gospel of any religious denomination.

While there are benefits to pastoral counseling for clients seeking guidance for personal matters, there are also concerns when an unlicensed individual, appearing to be working in their ministerial or pastoral capacity, incorporates practice methods into their counseling that are to be utilized by a licensed mental health professional. The Board has occasionally received consumer complaints of this nature where it is noted the individual, claiming to be performing in their ministerial or pastoral capacity, is often providing counseling services independently outside of a religious organization, and the individual charges a fee for services separate from compensation received for the customary duties of a religious organization. In some cases, the Board is unable to take disciplinary action due to the language in the current exemption laws.

Previous Committee Discussion and Research

The topic of pastoral counseling was discussed at the Licensing Committee meeting in January 2023¹. The intent of the discussion was to propose clarifying the exemption language in the Board's practice acts, outlined above. Staff presented examples of exemption laws in other states that provided more clarity for individuals performing in a religious or faith-based capacity, shown in **Attachment B**.

Staff began collaborating with Subject Matter Experts (SMEs) to conduct further research on the topic. The research included reviewing and distinguishing practice methods used in pastoral counseling and in mental health professions. The following material on pastoral counseling was retrieved:

- Landis-Taylor, Nancy. The Content, Nature, and Ethics of Pastoral Counseling by West Virginia Baptist Ministers. 2009. West Virginia University, PhD dissertation.
- Blain, T. (2024). What Is Christian Counseling?. Verywell Mind. Retrieved from <https://www.verywellmind.com/what-is-christian-counseling-5211900>
- Vargas, B.E. (2024). The Best Online Christian Counseling Services of 2024, Tried and Tested. Verywell Mind. Retrieved from <https://www.verywellmind.com/best-online-christian-counseling-services-4692788>
- Mireles, N. (2024). What Are the Job Requirements for Pastoral Counseling?. Forbes. Retrieved from <https://www.forbes.com/advisor/education/psychology-and-counseling/become-a-pastoral-counselor/>

¹ The Licensing Committee was reorganized as the Workforce Development Committee in 2024.

Notable information found on review of the above material reveal a pastoral counselor, as defined by the American Association of Pastoral Counselors (2005)², is “a clergy member who has received graduate training in both religion and behavioral science for a clinical practice that integrates psychological and theological disciplines to increase meaning and well-being” (Landis-Taylor, 2009). To practice independently or in a clinical setting, pastoral counselors must attain the same state licensure as secular counselors (Mireles, 2024). Individuals in the field of pastoral counseling do not need to hold state licensure “if they are providing faith-based counseling”. While there are benefits to therapy and pastoral counseling, “only therapy is designed to treat mental health conditions with evidence-based approaches” (Vargas, 2024).

Considering the diverse religious and cultural influences in regions throughout the United States, staff and SMEs researched additional exemption laws in other states, shown in **Attachment C**. Staff presented the research findings at the Policy and Advocacy Committee meeting on January 24, 2025.

Next Steps

Staff began drafting amendments to the statute, using Business and Professions Code section 4996.13. as the foundational model due to its more comprehensive and detailed language compared to the other practice acts.

After consulting with the SMEs and legal counsel, it was determined that proposed amendments should focus on faith-based counseling rather than pastoral counseling. Additionally, the language should establish clear criteria distinguishing faith-based counseling from clinical mental health counseling. The aim of the proposed amendments is to provide key differentiating factors for individuals serving in a faith-based capacity:

- The services and activities performed are under the direct auspices of the faith-based entity, such as church, synagogue, mosque, or other recognized religious organization;
- Fees beyond the religious official’s customary compensation from the faith-based entity are not charged or received;
- They do not state or imply they are licensed or registered to practice clinical social work, and they do not hold themselves out to the public by any title or description of services incorporating the words psychosocial or clinical social worker; and
- The services provided by the individual are limited to counseling services in a religious or spiritual context, not involving the diagnosis or treatment of mental health disorders.

² In 2019, the American Association of Pastoral Counselors merged with the Association for Clinical Pastoral Education (ACPE) and now operate under the ACPE name.

Proposed amendments have also been drafted for the LMFT and LPCC practice acts. At this time, it was determined to not draft amendments to the language for LEP practice act due to the differing nature of work in the LEP profession.

Discussion and Recommendation

Conduct an open discussion regarding the proposed amendments to Business and Professions Code sections 4996.13., 4980.01., and 4999.22., outlined in **Attachments A-1 through A-3**. Additionally, conduct an open discussion regarding the following:

- LEP and Nursing Practice Acts – discuss whether to include mention of the practice acts in subsection (a) of the proposed amendments for the three license types.
- Duty types – given similar meanings for pastoral and professional duties, within the context of the proposed amendments, discuss whether to include both duty types (“...regular pastoral or professional duties...”) or amend the language to only “pastoral” as the duty type.

Direct staff to make any discussed changes and any nonsubstantive changes, and bring to the Board for consideration as a legislative proposal.

Attachments

Attachment A-1: LCSW Proposed Amendments to Other Professional Groups; Work of Psychosocial Nature; Impermissible Representations statute (Bus. & Prof. Code, § 4996.13.)

Attachment A-2: LMFT Proposed Amendments to Contruction with Other laws; Nonapplication to Certain Professionals and Employees; Required Notice to Clients (Bus. & Prof. Code, § 4980.01.)

Attachment A-3: LPCC Proposed Amendments to Construction with Other Laws; Nonapplication to Certain Professionals and Employees; Required Notice to Clients (Bus. & Prof. Code, § 4999.22.)

Attachment B: Exemption laws in the states of Texas, Florida and Arizona.

Attachment C: Additional research findings of exemption laws in the states of Georgia, North Carolina, Louisiana, New Mexico, Virginia and Vermont.

ATTACHMENT A-1
PROPOSED AMENDMENTS

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

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

~~(a)(1)~~ A physician and surgeon certified pursuant to Chapter 5 (commencing with Section 2000).

~~(b)(2)~~ A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

~~(c)(3)~~ Members of the State Bar of California.

~~(d)(4)~~ Marriage and family therapists licensed pursuant to Chapter 13 (commencing with Section 4980).

~~(e)(5)~~ Licensed professional clinical counselors pursuant to Chapter 16 (commencing with Section 4999.10).

~~(f) A priest, rabbi, or minister of the gospel of any religious denomination.~~

(b) This article shall not apply to any priest, rabbi, imam, minister of the gospel, or other religious official of any denomination when providing faith-based counseling services as part of their regular pastoral or professional duties for an established and legally recognizable faith-based entity, such as a church, synagogue, mosque, or other recognized religious organization, provided that all of the following criteria are met:

(1) The services are performed solely under the direct auspices of that faith-based entity.

(2) A separate fee, beyond their customary compensation from that faith-based entity, is not charged or received.

(3) They do not hold themselves out to the public by any title or description of services incorporating the words psychosocial, or clinical social worker, and shall not state or imply that they are licensed or registered to practice clinical social work.

(4) The services provided are limited to counseling services provided in a religious or spiritual context and do not involve the diagnosis or treatment of mental health disorders.

ATTACHMENT A-2
PROPOSED AMENDMENTS

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

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

(1) A physician and surgeon certified pursuant to Chapter 5 (commencing with Section 2000).

(2) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(3) Members of the State Bar of California.

(4) Clinical social workers licensed pursuant to Chapter 14 (commencing with Section 4991.).

(5) Licensed professional clinical counselors pursuant to Chapter 16 (commencing with Section 4999.10).

~~(a)~~(b) This chapter shall not be construed to constrict, limit, or withdraw the Medical Practice Act, the Social Work Licensing Law, the Nursing Practice Act, the Licensed Professional Clinical Counselor Act, or the Psychology Licensing Law.

~~(b)~~(c) This chapter shall not apply to any priest, rabbi, ~~or imam~~, minister of the gospel, ~~or other religious official~~ of any ~~religious~~ denomination when ~~performing providing faith-based~~ counseling services as part of their regular pastoral or professional duties, ~~or to any person who is admitted to practice law in the state, or a physician and surgeon who provides counseling services as part of their professional practice. for an established and legally recognizable faith-based entity, such as a church, synagogue, mosque, or other recognized religious organization, provided that all of the following criteria are met:~~

(1) The services are performed solely under the direct auspices of that faith-based entity.

(2) A separate fee, beyond their customary compensation from that faith-based entity, is not charged or received.

(3) They do not hold themselves out to the public by any title or description of services incorporating the words psychosocial, or marriage and family therapist, and shall not

state or imply that they are licensed or registered to practice marriage and family therapy.

(4) The services provided are limited to counseling services provided in a religious or spiritual context and do not involve the diagnosis or treatment of mental health disorders.

~~(e)~~(d) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable if both of the following apply:

(1) The work of the employee or volunteer is performed under the oversight and direction of the entity.

(2) (A) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services or as soon as practicably possible thereafter, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS

The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered practitioner providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

The Board of Behavioral Sciences receives and responds to complaints regarding services provided by individuals licensed and registered by the board. If you have a complaint and are unsure if your practitioner is licensed or registered, please contact the Board of Behavioral Sciences at 916-574-7830 for assistance or utilize the board's online license verification feature by visiting www.bbs.ca.gov.

(B) The delivery of the notice described in subparagraph (A) to the client shall be documented.

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

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

ATTACHMENT A-3
PROPOSED AMENDMENTS

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

(a) Nothing in this chapter shall prevent qualified ~~persons~~ members of other professional groups from doing work of a psychosocial nature consistent with the standards, ~~and ethics, and scope of practice~~ of their respective professions. However, ~~these qualified persons they~~ shall not hold themselves out to the public by any title or description of services incorporating the words “~~licensed professional clinical counselor~~” psychosocial, or professional clinical counselor, and shall not state that they are licensed or registered to practice professional clinical counseling, ~~unless they are otherwise licensed to provide professional clinical counseling services. These qualified members of other professional groups include, but are not limited to, the following:~~

(1) A physician and surgeon certified pursuant to Chapter 5 (commencing with Section 2000).

(2) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(3) Members of the State Bar of California.

(4) Marriage and family therapists licensed pursuant to Chapter 13 (commencing with Section 4980).

(5) Clinical social workers licensed pursuant to Chapter 14 (commencing with section 4991).

(b) ~~Nothing in this chapter shall~~ not be construed to constrict, limit, or withdraw ~~provisions of~~ the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Licensed Marriage and Family Therapist Act.

(c) This chapter shall not apply to any priest, rabbi, ~~or imam,~~ minister of the gospel, or other religious official of any ~~religious~~ denomination ~~who performs when providing faith-based counseling services as part of their regular pastoral or professional duties, or to any person who is admitted to practice law in this state, or who is licensed to practice medicine, who provides counseling services as part of their professional practice. for an established and legally recognizable faith-based entity, such as a church, synagogue, mosque, or other recognized religious organization, provided that all of the following criteria are met:~~

(1) The services are performed solely under the direct auspices of that faith-based entity.

(2) A separate fee, beyond their customary compensation from that faith-based entity, is not charged or received.

(3) They do not hold themselves out to the public by any title or description of services incorporating the words psychosocial, or professional clinical counselor, and shall not state or imply that they are licensed or registered to practice professional clinical counseling.

(4) The services provided are limited to counseling services provided in a religious or spiritual context and do not involve the diagnosis or treatment of mental health disorders.

(d) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable, if both of the following apply:

(1) The work of the employee or volunteer is performed under the oversight and direction of the entity.

(2) (A) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services or as soon as practicably possible thereafter, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS

The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered practitioner providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

The Board of Behavioral Sciences receives and responds to complaints regarding services provided by individuals licensed and registered by the board. If you have a complaint and are unsure if your practitioner is licensed or registered, please contact the Board of Behavioral Sciences at 916-574-7830 for assistance or utilize the board's online license verification feature by visiting www.bbs.ca.gov.

(B) The delivery of the notice described in subparagraph (A) to the client shall be documented.

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

ATTACHMENT B

Exemption Laws in the states of Texas, Florida and Arizona

Texas State Board of Examiners of Marriage and Family Therapists¹

(24) Recognized religious practitioner--A rabbi, clergyman, or person of similar status who is a member in good standing of and accountable to a legally recognized denomination or legally recognizable religious denomination or legally recognizable religious organization and other individuals participating with them in pastoral counseling if:

(A) the therapy activities are within the scope of the performance of regular or specialized ministerial duties and are performed under the auspices of sponsorship of an established and legally recognized church, denomination or sect, or an integrated auxiliary of a church as defined in 26 CFR §1.6033-2(h) (relating to Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980));

(B) the individual providing the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary; and

(C) the person does not use the title of or hold himself or herself out as a licensed marriage and family therapist.

Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling²

No provision of this chapter shall be construed to limit the performance of activities of a rabbi, priest, minister, or member of the clergy of any religious denomination or sect, or use of the terms "Christian counselor" or "Christian clinical counselor" when the activities are within the scope of the performance of his or her regular or specialized ministerial duties and no compensation is received by him or her, or when such activities are performed, with or without compensation, by a person for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

¹ [Texas Administrative Code §801.2](#) providing the definition of a recognized religious practitioner.

² [Title 32, Chapter 491, §491.014\(3\)](#) of the Florida Statutes pertaining to clinical, counseling and psychotherapy services.

Arizona Board of Behavioral Health Examiners³

A. This chapter does not apply to:

3. A rabbi, priest, minister or member of the clergy of any religious denomination or sect if the activities and services that person performs are within the scope of the performance of the regular or specialized ministerial duties of an established and legally recognizable church, denomination or sect and the person performing the services remains accountable to the established authority of the church, denomination or sect.

³ Exceptions to licensure statute, per [Arizona Revised Statutes, Title 32, Chapter 33 § 32-3271](#)

ATTACHMENT C

Research Findings of Additional Exemption Laws in Other States

Georgia – Board of Professional Counselors, Social Workers, and Marriage and Family Therapists¹

(b) The prohibition of subsection (a) of this Code section shall not apply to the following persons; provided, however, that no such person shall hold themselves out as being licensed to practice professional counseling, social work, or marriage and family therapy or any combination thereof or use the words "licensed" or "licensure" or any other words, letters, titles, images, or figures stating or implying that they are licensed to practice any such specialty, and no organization shall present itself as authorized to license individuals to practice any such specialty:

(10) Active members of the clergy but only when the practice of their specialty is in the course of their service as clergy;

(11) Members of religious ministries responsible to their established ecclesiastical authority who possess a master's degree or its equivalent in theological studies;

(12) Persons engaged in the practice of a specialty in accordance with Biblical doctrine in public or nonprofit agencies or entities or in private practice;

North Carolina - Board of Licensed Clinical Mental Health Counselors²

(a) It is not the intent of this Article to regulate members of other regulated professions who do counseling in the normal course of the practice of their profession. Accordingly, this Article does not apply to:

(5) Any ordained minister or other member of the clergy while acting in a ministerial capacity who does not charge a fee for the service, or any person invited by a religious organization to conduct, lead, or provide counseling to its members when the service is not performed for more than 30 days a year.

Louisiana State Board of Licensed Professional Counselors³

The following persons and their activities are exempted from the licensing requirements of this Chapter:

¹ Licensing exceptions per Title 43, Chapter 10A of the Georgia Code, [O.C.G.A. § 43-10A-7](#)

² Exemption statute stated in North Carolina's Licensed Clinical Mental Health Counselors Act, NC General Statute [Article 24 § 90-332.1 \(G.S. 90-332.1\)](#)

³ Exclusions statute stated in Louisiana's Practice Acts, [§1113](#).

(5) Any priest, rabbi, Christian Science practitioner, or minister of the gospel of any religious denomination, provided they are practicing within the employment of their church or religious affiliated institution and they do not represent themselves as licensed professional counselors or mental health counselors unless they have also been licensed under the provisions of R.S. 37:1107.

New Mexico Counseling and Therapy Practice Board⁴

B. Specifically exempted from the Counseling and Therapy Practice Act are:

(3) duly ordained, commissioned or licensed ministers of a church providing pastoral services on behalf of a church;

(5) practitioners of Native American healing arts;

Virginia Board of Counseling⁵

The requirements for licensure in this chapter shall not be applicable to:

3. The activities, including marriage and family therapy, counseling, or substance abuse treatment, of rabbis, priests, ministers or clergymen of any religious denomination or sect when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination or sect, and the person rendering service remains accountable to its established authority.

Vermont Board of Allied Mental Health⁶

(b) The provisions of this chapter shall not apply to persons while engaged in the course of their customary duties:

(1) in the activities and services of the clergy or leader of any religious denomination, or sect or a Christian Science practitioner when engaging in activities that are within the scope of the performance of the person's regular or specialized ministerial duties and for which no separate charge is made, or when these activities are performed, with or without charge, for or under the auspices of sponsorship, individually or in conjunction with others, of an established and

⁴ Exemption law as stated in the Counseling and Therapy Practice Act, Chapter 61: Article 9A Counseling and Therapy - [61-9A-6. Exemptions](#)

⁵ Exemption from requirements of licensure for Professional Counseling, per Chapter 35 of Title 54.1 of the Code of Virginia [§ 54.1-3501](#)

⁶ Exemption statute for Clinical Mental Health Counselors § 3273, [26 V.S.A. section 3273](#)

legally recognizable church, denomination, or sect, and when the person rendering services remains accountable to the established authority of that church, denomination, or sect;