



Board of Behavioral Sciences

# Memo

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**To:** Committee Members

**Date:** July 3, 2025

**From:** Rosanne Helms  
Legislative Manager

**Subject:** Discussion of Amendments to SB 775

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[SB 775](#) (Ashby) is the Board's sunset bill. Sponsored by Senator Ashby, who is the Chair of the Senate Committee on Business, Professions, and Economic Development, the bill proposes extending the Board's sunset date until January 1, 2030. At its May 9, 2025 meeting, the Board took a "support" position on that provision of the bill.

The Board is also sponsoring several amendments in SB 775 related to its practice acts. One of these amendments proposes extending the sunset date of the temporary practice allowance from January 1, 2026 until January 1, 2030.

### **Background: Temporary Practice Allowance**

In 2023, the Board sponsored [AB 232](#) (Aguiar-Curry, Chapter 640, Statutes of 2023), which provided a 30-day temporary practice allowance to qualifying therapists licensed in another U.S. jurisdiction to continue treating existing clients who are visiting California or relocating to California. Because it was a brand-new allowance, the Board decided to include a sunset date of January 1, 2026 so that the allowance could be reevaluated as part of the Board's sunset review process.

At its September 20, 2024 meeting, the Board noted that while current data points to the temporary practice allowance being a success, it was still very early on in implementation. Therefore, the Board decided to propose amendments to extend the termination date of the temporary practice allowance by four years, until January 1, 2030, (rather than deleting the sunset date outright) to enable the Board to gather more data and then reassess the law. The Board-sponsored amendments to extend that termination date are currently included in SB 775.

### **Legislative Request for Additional Amendment**

As part of its Background Paper for the Board's sunset review dated March 24, 2025, the Senate Committee on Business, Professions and Economic Development, and the Assembly Committee on Business and Professions (Committees) noted that it would be helpful to understand how the Board enforces the 30-day timeframe of the temporary

practice allowance, and whether the Board believes out-of-state practitioners may be providing services to their clients in California beyond this timeframe.

To address this, the Committees have requested an additional amendment be added to the temporary practice allowance statute in SB 775, found in BPC §§ 4980.11 (for LMFT), 4996.16.1 (for LCSW), and 4999.23 (for LPCC). The amendment would strengthen accountability of the out-of-state licensee providing services to a client temporarily located in California, by requiring them to submit a signed statement, under penalty of perjury, acknowledging the Board's jurisdiction and agreeing to comply with California law. It reads as follows:

(c) A person who provides services pursuant to this section ~~is deemed to have agreed to practicing under~~ *shall submit a signed statement, under penalty of perjury, acknowledging that they are subject to* the jurisdiction of the board and *agreeing* to be bound by the laws of this state.

### **Next Steps and Recommendation**

The request for this amendment came after the Board's last meeting in May 2025, and therefore the Board has not had an opportunity to review the amendment and determine its position.

Staff recommends that the Committee conduct an open discussion regarding the proposed amendments to BPC §§4980.11(c), 4996.16.1(c), and 4999.23(c) (Shown in **Attachment A**), and recommend that the Board take a "support" position on those amendments.

### **Attachment**

**Attachment A:** Text of SB 775

AMENDED IN ASSEMBLY JULY 2, 2025

AMENDED IN SENATE MAY 23, 2025

AMENDED IN SENATE MAY 1, 2025

**SENATE BILL**

**No. 775**

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**Introduced by Senator Ashby**

February 21, 2025

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An act to amend Sections 25, 28, 729, 2902, 2903, 2908, 2915.5, 2920, 2934.1, 2936, 2950, 2952, 2960.2, 2960.6, 2961, 2962, 2963, 2964, 2964.3, 2971, 2987, 2995, 2999.101, ~~4980~~, 4980.01, 4980.03, 4980.11, 4980.38, 4980.397, 4980.40, 4980.41, ~~4980.43.2~~, 4980.43.3, 4980.50, 4980.54, 4980.72, 4980.74, 4982, 4984.41, 4984.7, 4989.20, 4989.45, 4989.49, 4989.54, 4990, 4990.04, 4992.2, 4992.3, 4996.16.1, ~~4996.23.1~~, 4996.23.2, 4997.1, 4999.12, 4999.23, ~~4999.46.2~~, 4999.46.3, 4999.90, and 4999.113 of, *to amend and repeal Sections 4980.43.2, 4996.23.1, and 4999.46.2 of*, to add Sections ~~2920.2~~ 2920.2, 2954.1, 2954.2, 2954.4, 2954.5, 2954.6, and 4990.01 to, to repeal ~~Section~~ Sections 2953 and 4982.05 of, ~~and~~ to repeal and add Sections 2964.5, 2964.6, 2966, 2985, and 2986 of, *and to repeal, add, and repeal Section 2912 of*, the Business and Professions Code, relating to healing arts.

**legislative counsel's digest**

SB 775, as amended, Ashby. Board of Psychology and Board of Behavioral Sciences.

(1) Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate psychologists and the practice of psychology. Existing law repeals the provision establishing the board on January 1, 2026.

This bill would extend operation of the board to January 1, 2030.

Existing law establishes qualifications for registration as a psychological testing technician, including proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program in psychology or in education with a field of specialization in educational psychology, counseling psychology, or school psychology. Existing law also establishes various fees relating to the licensure and regulation of the practice of psychology.

This bill would expand the list of authorized areas of study for registration as a psychological testing technician to include neuroscience, cognitive science, or behavioral science, and would specify that the board shall make the final determination as to whether a degree or degree program meets the educational requirements. The bill would establish a fee of \$25 to add or change a supervisor for a psychological testing technician.

Existing law provides that a psychologist's license shall be suspended automatically during any time the holder of the license is incarcerated after conviction of a felony, and provides for the continued suspension of the license if, after a hearing, it is determined in the hearing that the felony for which the licensee was convicted is substantially related to the qualifications, functions, or duties of a licensee. Existing law requires any discipline ordered to cease if the conviction is overturned on appeal.

This bill would revise and recast those provisions, including authorizing the board to decline to set aside the suspension when it appears to be in the interest of justice to do so. The bill would revise and recast provisions relating to suspended, revoked, and surrendered licenses and obtaining a new license after a license is void after not being renewed within 3 years. The bill would make various technical and other changes to the Psychology Licensing Law, including defining the terms "license," "licensee," and "client."

*(2) Existing law provides for the registration and regulation of research psychoanalysts and student research psychoanalysts by the Board of Psychology, and establishes acts for which the board may revoke or suspend registration and that are deemed unprofessional conduct. Existing law establishes fees for registration, which are deposited into the Psychology Fund.*

*This bill, among other changes to the provisions regulating research psychoanalysts and student research psychoanalysts, would expand the list of acts constituting unprofessional conduct that would authorize the board to suspend or revoke a registration. The bill would revise education and training requirements for registration as a research*

psychologists, fine not exceeding one thousand dollars (\$1,000), certain coursework or training in detection and treatment of alcohol and other chemical substance dependency, suicide risk assessment and intervention, and aging and long-term care. The bill would establish continuing professional development requirements for research psychoanalysts. The bill would require the board to adopt a program of consumer and professional education in matters relevant to the ethical practice of psychoanalysis. The bill would establish fingerprint fees for applicants, as specified.

Existing law requires certain behavioral health professionals to complete training in human sexuality and to complete coursework or training in child abuse assessment and reporting, as specified. Existing law provides that the Board of Psychology and the Board of Behavioral Sciences are encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues before licensure or license renewal. Existing law makes findings and declarations related to the training of certain licensed behavioral health professionals in the areas of child, elder, and dependent adult abuse assessment report.

This bill would include research psychoanalysts in the behavioral health professionals subject to the above-described training requirements and provisions. The bill would make various technical and other changes to the Psychology Licensing Law.

(2)

(3) Existing law establishes the Board of Behavioral Sciences in the Department of Consumer Affairs to regulate licensees under the Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act, and authorizes the board to appoint an executive officer to exercise certain powers and perform specified duties. Existing law repeals the provision establishing the board and authorizing the board to appoint an executive officer on January 1, 2026. Existing law, until January 1, 2026, authorizes a person who holds a license in another jurisdiction of the United States as a marriage and family therapist, a clinical social worker, or a professional clinical counselor to provide those services in this state for a period not to exceed 30 days. Existing law specifies that a person who provides services pursuant to those provisions is deemed to have agreed to practicing under the jurisdiction of the board and to be bound by the laws of this state.

This bill would extend the date of the operation of the board and of authorizing the board to appoint an executive officer to January 1, 2030, and would extend the date on which the provision authorizing a person who is licensed out-of-state as a marriage and family therapist, a clinical social worker, or professional clinical counselor to practice in this state to January 1, 2030. The bill would deem a person who is licensed in another jurisdiction who provides services to have attested under penalty of perjury to practicing under the jurisdiction of the board and to be bound by the laws of this state. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. ~~The bill would entitle the provisions providing for the licensure and regulation of marriage and family therapists as the Licensed Marriage and Family Therapist Practice Act.~~

Existing law requires a registrant or applicant for licensure as a marriage and family therapist to pass a clinical examination, and establishes a fee of \$250, which the board is authorized to increase by regulation to up to \$500, for the clinical examination.

This bill would specify that the clinical examination may be administered either by the board or by a public or private organization, and would revise the fee requirement so that if the examination is administered by a public or private organization, the fee would be paid directly to the organization.

Existing law requires certain applicants for registration or licensure as a marriage and family therapist who completed graduate study on or before December 31, 2018, to submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and associated coursework includes certain instruction in alcoholism and other chemical substance dependency and in spousal or partner abuse assessment, detection, and intervention.

This bill would delete that requirement.

Existing law requires an applicant for licensure or registration as a professional clinical counselor to obtain a degree in a program that includes a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups. Existing law requires a professional clinical counselor trainee to receive an average of at least one hour of direct supervisor contact for every 5 hours of direct clinical counseling performed each week and specifies that not more than 6 hours of supervision shall be credited during any single week.

~~This bill would delete the provision authorizing the law (64,000) hours of supervision credited in a single week to 6 hours.~~

*Existing law, effective August 29, 2022, until January 1, 2026, revised provisions related to supervision via videoconferencing. In this regard, existing law defines “face-to-face contact” for purposes of the definition of “one hour of direct supervisor contact” to mean in-person contact, contact via 2-way, real-time videoconferencing, or some combination of these. Existing law requires a supervisor within 60 days of the commencement of supervision to conduct a meeting with the supervisee during which the supervisor is required to assess the appropriateness of allowing the supervisee to receive supervision via 2-way, real-time videoconferencing, as specified, and to document the results of that assessment. Existing law prohibits the supervisor from utilizing supervision via 2-way, real-time videoconferencing if their assessment finds it is inappropriate. Existing law repeals these provisions on January 1, 2026.*

*This bill would extend the operation of those provisions indefinitely. By extending the operation of requirements, the violation of which would be a crime, this bill would impose a state-mandated local program.*

Existing law requires an applicant for licensure as a marriage and family therapist, clinical social worker, or licensed professional clinical counselor to provide copies of tax returns for each year of experience claimed for purposes of satisfying the experience requirement for licensure.

This bill would require an applicant to provide the board with a copy of the applicant’s most recent pay stub for experience gained during a tax year that has not ended by the date the application for licensure is received.

Existing law requires direct supervisor contact for certain experience required for licensure as a marriage and family therapist, clinical social worker, or licensed professional clinical counselor. Existing law, until January 1, 2026, authorizes contact to be via in-person contact, 2-way, real-time videoconferencing, or some combination of these, as specified. Existing law, effective January 1, 2026, authorizes only a supervisee working in an exempt setting, as specified, to obtain direct supervisor contact via 2-way, real-time videoconferencing.

This bill would make the above-described authorization related to videoconferencing permanent and would consequently delete the latter

provision authorizing direct supervisor contact via videoconferencing in exempt settings.

Existing law requires the board to issue a retired license to a marriage and family therapist, licensed educational psychologist, licensed professional clinical counselor, or clinical social worker upon satisfaction of specified requirements. *Existing law also authorizes a person who holds a license in another jurisdiction of the United States as a marriage and family therapist, professional clinical counselor, or clinical social worker to practice in this state for a period not to exceed 30 consecutive days if they satisfy certain conditions, and deems a person who provides services pursuant to those provisions to have agreed to practicing under the jurisdiction of the board and to be bound by the laws of this state.*

The bill would revise the requirements for the issuance of a retired license, including submitting a statement under penalty of perjury that, among other things, the information provided on the application is true and correct. *The bill would require out-of-state marriage and family therapists, professional clinical counselors, and clinical social workers, as a condition of practicing in this state, to submit a signed statement under penalty of perjury acknowledging that they are subject to the jurisdiction of the board and agreeing to be bound by the laws of this state.* By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would revise the education, experience, and other qualifications required for licensure as an educational psychologist.

The bill would make various technical and other changes to the Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act.

~~(3)~~

(4) 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.



1 ~~The people of the State of California~~ only thousand dollars (\$1,000), or by

1 *SECTION 1. Section 25 of the Business and Professions Code*  
2 *is amended to read:*

3 25. (a) Any person applying for a license, registration, or the  
4 first renewal of a license, after the effective date of this section,  
5 as a licensed marriage and family therapist, a licensed clinical  
6 social worker, a licensed psychologist, *a research psychoanalyst*,  
7 or a licensed professional clinical counselor shall, in addition to  
8 any other requirements, show by evidence satisfactory to the  
9 agency regulating the business or profession, that they have  
10 completed training in human sexuality as a condition of licensure.  
11 The training shall be creditable toward continuing education  
12 requirements as deemed appropriate by the agency regulating the  
13 business or profession, and the course shall not exceed more than  
14 50 contact hours.

15 ~~The~~

16 (b) *The* Board of Psychology shall exempt from the requirements  
17 of this section any persons whose field of practice is such that they  
18 are not likely to have use for this training.

19 ~~“Human~~

20 (c) *“Human* sexuality” as used in this section means the study  
21 of a human being as a sexual being and how a human being  
22 functions with respect thereto.

23 ~~The~~

24 (d) *The* content and length of the training shall be determined  
25 by the administrative agency regulating the business or profession  
26 and the agency shall proceed immediately upon the effective date  
27 of this section to determine what training, and the quality of staff  
28 to provide the training, is available and shall report its  
29 determination to the Legislature on or before July 1, 1977.

30 ~~If~~

31 (e) *If* a licensing board or agency proposes to establish a training  
32 program in human sexuality, the board or agency shall first consult  
33 with other licensing boards or agencies that have established or  
34 propose to establish a training program in human sexuality to  
35 ensure that the programs are compatible in scope and content.

36 *SEC. 2. Section 28 of the Business and Professions Code is*  
37 *amended to read:*

28. (a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with victims and potential victims of child, elder, and dependent adult abuse, and abusers and potential abusers of children, elders, and dependent adults are provided with adequate and appropriate training regarding the assessment and reporting of child, elder, and dependent adult abuse that will ameliorate, reduce, and eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.

(b) The Board of Psychology and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist. ~~therapist~~ *therapist or registration as a research psychoanalyst.* This training shall be required one time only for all persons applying for initial licensure *or registration* or for licensure *or registration* renewal.

(c) All persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist *or registration as a research psychoanalyst* shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:

(1) Be obtained from one of the following sources:

(A) An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.

(B) A continuing education provider as specified by the responsible board by regulation.

(C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the responsible board.

(2) Have a minimum of seven contact hours.

(3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(4) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.

(d) The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in the applicant's practice because of the nature of that practice.

(e) It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist *or registered as a research psychoanalyst* have minimal but appropriate training in the areas of child, elder, and dependent adult abuse assessment and reporting. It is not intended that, by solely complying with this section, a practitioner is fully trained in the subject of treatment of child, elder, and dependent adult abuse victims and abusers.

(f) The Board of Psychology and the Board of Behavioral Sciences are encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure *or registration* or license *or registration* renewal.

SEC. 3. *Section 729 of the Business and Professions Code is amended to read:*

729. (a) Any physician and surgeon, psychotherapist, *research psychoanalyst*, alcohol and drug abuse counselor or any person holding ~~himself or herself~~ *themselves* out to be a physician and surgeon, psychotherapist, *research psychoanalyst*, *student research psychoanalyst*, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of

1 engaging in those acts, unless the physician and surgeon,  
2 psychotherapist, or alcohol and drug abuse counselor has referred  
3 the patient or client to an independent and objective physician and  
4 surgeon, psychotherapist, *research psychoanalyst*, *student research*  
5 *psychoanalyst*, or alcohol and drug abuse counselor recommended  
6 by a third-party physician and surgeon, psychotherapist, *research*  
7 *psychoanalyst*, *student research psychoanalyst*, or alcohol and  
8 drug abuse counselor for treatment, is guilty of sexual exploitation  
9 by a physician and surgeon, psychotherapist, *research*  
10 *psychoanalyst*, *student research psychoanalyst*, or alcohol and  
11 drug abuse counselor.

12 (b) Sexual exploitation by a physician and surgeon,  
13 psychotherapist, or alcohol and drug abuse counselor is a public  
14 offense:

15 (1) An act in violation of subdivision (a) shall be punishable by  
16 imprisonment in a county jail for a period of not more than six  
17 months, or a fine not exceeding one thousand dollars (\$1,000), or  
18 by both that imprisonment and fine.

19 (2) Multiple acts in violation of subdivision (a) with a single  
20 victim, when the offender has no prior conviction for sexual  
21 exploitation, shall be punishable by imprisonment in a county jail  
22 for a period of not more than six months, or a fine not exceeding  
23 one thousand dollars (\$1,000), or by both that imprisonment and  
24 fine.

25 (3) An act or acts in violation of subdivision (a) with two or  
26 more victims shall be punishable by imprisonment pursuant to  
27 subdivision (h) of Section 1170 of the Penal Code for a period of  
28 16 months, two years, or three years, and a fine not exceeding ten  
29 thousand dollars (\$10,000); or the act or acts shall be punishable  
30 by imprisonment in a county jail for a period of not more than one  
31 year, or a fine not exceeding one thousand dollars (\$1,000), or by  
32 both that imprisonment and fine.

33 (4) Two or more acts in violation of subdivision (a) with a single  
34 victim, when the offender has at least one prior conviction for  
35 sexual exploitation, shall be punishable by imprisonment pursuant  
36 to subdivision (h) of Section 1170 of the Penal Code for a period  
37 of 16 months, two years, or three years, and a fine not exceeding  
38 ten thousand dollars (\$10,000); or the act or acts shall be punishable  
39 by imprisonment in a county jail for a period of not more than one

year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(5) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000).

For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

(c) For purposes of this section:

(1) “Psychotherapist” has the same meaning as defined in Section 728.

(2) “Alcohol and drug abuse counselor” means an individual who holds ~~himself or herself~~ *themselves* out to be an alcohol or drug abuse professional or paraprofessional.

(3) “Sexual contact” means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

(4) “Intimate part” and “touching” have the same meanings as defined in Section 243.4 of the Penal Code.

(d) In the investigation and prosecution of a violation of this section, no person shall seek to obtain disclosure of any confidential files of other patients, clients, or former patients or clients of the physician and surgeon, psychotherapist, *research psychoanalyst, student research psychoanalyst*, or alcohol and drug abuse counselor.

(e) This section does not apply to sexual contact between a physician and surgeon and ~~his or her~~ *their* spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to ~~his or her~~ *their* spouse or person in an equivalent domestic relationship.

(f) If a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in a professional partnership or similar group has sexual contact with a patient in violation of this section, another

1 physician and surgeon, psychotherapist, *research psychoanalyst*,  
2 *student research psychoanalyst*, or alcohol and drug abuse  
3 counselor in the partnership or group shall not be subject to action  
4 under this section solely because of the occurrence of that sexual  
5 contact.

6 ~~SECTION 1.~~

7 *SEC. 4.* Section 2902 of the Business and Professions Code is  
8 amended to read:

9 2902. For purposes of this chapter, the following definitions  
10 apply:

11 (a) "Licensed psychologist" means an individual to whom a  
12 license has been issued pursuant to the provisions of this chapter,  
13 which license is in force and has not been suspended or revoked.

14 (b) "License" means a psychologist license or a registration  
15 issued by the board.

16 (c) "Licensee" means a licensed psychologist or a registered  
17 psychological associate regulated by the board.

18 (d) "Client" means a patient or recipient of psychological  
19 services.

20 (e) "Board" means the Board of Psychology.

21 (f) A person represents themselves to be a psychologist when  
22 the person holds themselves out to the public by any title or  
23 description of services incorporating the words "psychology,"  
24 "psychological," "psychologist," "psychology consultation,"  
25 "psychology consultant," "psychometry," "psychometrics"  
26 "psychometrist," "psychotherapy," or "psychotherapist," or when  
27 the person holds themselves out to be trained, experienced, or an  
28 expert in the field of psychology.

29 (g) "Accredited," as used with reference to academic institutions,  
30 means the University of California, the California State University,  
31 or an institution that is accredited by a national or an applicable  
32 regional accrediting agency recognized by the United States  
33 Department of Education.

34 (h) "Approved," as used with reference to academic institutions,  
35 means an institution having "approval to operate", as defined in  
36 Section 94718 of the Education Code.

37 ~~SEC. 2.~~

38 *SEC. 5.* Section 2903 of the Business and Professions Code is  
39 amended to read:

2903. (a) No person may engage in the practice of psychology, or represent themselves to be a psychologist, without a license granted under this chapter, except as otherwise provided in this chapter. The practice of psychology is defined as rendering or offering to render to individuals, groups, organizations, or the public any psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

(b) The application of these principles and methods includes, but is not restricted to, assessment, diagnosis, prevention, treatment, and intervention to increase effective functioning of individuals, groups, and organizations.

(c) Psychotherapy within the meaning of this chapter means the use of psychological methods in a professional relationship to assist a person or persons to acquire greater human effectiveness or to modify feelings, conditions, attitudes, and behaviors that are emotionally, intellectually, or socially ineffectual or maladaptive.

~~SEC. 3.~~

*SEC. 6.* Section 2908 of the Business and Professions Code is amended to read:

2908. Nothing in this chapter shall be construed to prevent qualified members of other recognized professional groups licensed to practice in the State of California, such as, but not limited to, physicians, clinical social workers, educational psychologists, marriage and family therapists, licensed professional clinical counselors, optometrists, psychiatric technicians, or registered nurses, or attorneys admitted to the State Bar of California, or persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry, or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders, or duly ordained members of the recognized clergy, as defined in Section 15610.19 of the Welfare and Institutions Code, or duly ordained religious practitioners from doing work of a

1 psychological nature consistent with the laws governing their  
2 respective professions, provided they do not hold themselves out  
3 to the public by any title or description of services incorporating  
4 the words “psychological,” “psychologist,” “psychology,”  
5 “psychometrist,” “psychometrics,” or “psychometry,” or that they  
6 do not state or imply that they are licensed to practice psychology;  
7 except that persons licensed under Chapter 13.5 (commencing  
8 with Section 4989.10) of Division 2 may hold themselves out to  
9 the public as licensed educational psychologists.

10 *SEC. 7. Section 2912 of the Business and Professions Code is*  
11 *repealed.*

12 ~~2912. Nothing in this chapter shall be construed to restrict or~~  
13 ~~prevent a person who is licensed as a psychologist at the doctoral~~  
14 ~~level in another state or territory of the United States or in Canada~~  
15 ~~from offering psychological services in this state for a period not~~  
16 ~~to exceed 30 days in any calendar year.~~

17 *SEC. 8. Section 2912 is added to the Business and Professions*  
18 *Code, to read:*

19 *2912. (a) Notwithstanding Section 2903, a person who holds*  
20 *a license in another jurisdiction of the United States or in Canada*  
21 *as a psychologist at the doctoral level may provide psychological*  
22 *services in this state for a period not to exceed 30 consecutive days*  
23 *in any calendar year, if all of the following conditions are met:*

24 *(1) The license from another jurisdiction is at the doctoral level*  
25 *in the jurisdiction in which the license was granted.*

26 *(2) The license from another jurisdiction is current, active, and*  
27 *unrestricted.*

28 *(3) The client is located in California during the time the person*  
29 *seeks to provide care in California.*

30 *(4) The client is a current client of the person and has an*  
31 *established, ongoing client-provider relationship with the person*  
32 *at the time the client became located in California.*

33 *(5) The person informs the client of the limited timeframe of the*  
34 *services and that the person is not licensed in California.*

35 *(6) The person provides the client with the Board of*  
36 *Psychology’s internet website address.*

37 *(7) The person informs the client of the jurisdiction in which*  
38 *the person is licensed and the type of license held and provides*  
39 *the client with the person’s license number.*



1     ***(b) A person who intends to provide psychological services***  
2     ***pursuant to this section shall provide the board with all of the***  
3     ***following information before providing services:***

4     ***(1) The name under which the person is licensed in another***  
5     ***jurisdiction, the person's mailing address, the person's phone***  
6     ***number, the person's social security number or individual taxpayer***  
7     ***identification number, and the person's electronic mailing address,***  
8     ***if the person has an electronic mailing address.***

9     ***(2) The jurisdiction in which the person is licensed, the type of***  
10    ***license held, and the license number.***

11    ***(3) The date on which the person will begin providing***  
12    ***psychological services to the person's client in California.***

13    ***(c) A person who provides services pursuant to this section shall***  
14    ***submit a signed statement, under penalty of perjury, acknowledging***  
15    ***that they are subject to the jurisdiction of the board and agreeing***  
16    ***to be bound by the laws of this state.***

17    ***(d) This section does not apply to any person licensed by the***  
18    ***board whose license has been suspended or revoked.***

19    ***(e) This section shall remain in effect only until January 1, 2030,***  
20    ***and as of that date is repealed.***

21    ***SEC. 9. Section 2915.5 of the Business and Professions Code***  
22    ***is amended to read:***

23    ***2915.5. (a) Any applicant for licensure as a ~~psychologist~~***  
24    ***psychologist, as a condition of licensure, shall complete a minimum***  
25    ***of six contact hours of coursework or applied experience in aging***  
26    ***and long-term care, which may include, but need not be limited***  
27    ***to, the biological, social, and psychological aspects of aging. This***  
28    ***coursework shall include instruction on the assessment and***  
29    ***reporting of, as well as treatment related to, elder and dependent***  
30    ***adult abuse and neglect.***

31    ***(b) In order to satisfy the coursework requirement of this section,***  
32    ***the applicant shall submit to the board a transcript indicating***  
33    ***completion of this coursework. In the absence of this coursework***  
34    ***title in the transcript, the applicant shall submit a written***  
35    ***certification from the registrar, department chair, or training***  
36    ***director of the educational institution or program from which the***  
37    ***applicant graduated stating that the coursework required by this***  
38    ***section is included within the institution's required curriculum for***  
39    ***graduation at the time the applicant graduated, or within the***  
40    ***coursework, that was completed by the applicant.***

(c) (1) If an applicant does not have coursework pursuant to this section, the applicant may obtain evidence of compliance as part of their applied experience in a practicum, internship, or formal postdoctoral placement that meets the requirement of Section 2911, or other qualifying supervised professional experience.

(2) To satisfy the applied experience requirement of this section, the applicant shall submit to the board a written certification from the director of training for the program or primary supervisor where the qualifying experience occurred stating that the training required by this section is included within the applied experience.

(d) If an applicant does not meet the curriculum or coursework requirement pursuant to this section, the applicant may obtain evidence of compliance by taking a continuing education course that meets the requirements of subdivision (d) or (e) of Section 2915 and that qualifies as a learning activity category specified in paragraph (2) or (3) of subdivision (c) of Section 2915. To satisfy this requirement, the applicant shall submit to the board a certification of completion.

(e) A written certification made or submitted pursuant to this section shall be done under penalty of perjury.

~~SEC. 4.~~

*SEC. 10.* Section 2920 of the Business and Professions Code is amended to read:

2920. (a) The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

~~SEC. 5.~~

*SEC. 11.* Section 2920.2 is added to the Business and Professions Code, to read:

2920.2. Notwithstanding any other law, the repeal of Section 2920 renders the board subject to review by the appropriate policy committees of the Legislature.

*SEC. 12.* Section 2934.1 of the Business and Professions Code is amended to read:

2934.1. ~~(a) The board may post on its Internet Web site the following information on the current status of the license for all current and former licensees:~~ *internet website information on all current and former licensees, including the following:*

1 ~~(1) Whether or not the licensee has a~~  
2 ~~(a) Any record of a disciplinary action.~~  
3 ~~(2)~~  
4 ~~(b) Any of the following enforcement actions or proceedings~~  
5 ~~against the licensee:~~  
6 ~~(A)~~  
7 ~~(1) Temporary restraining orders.~~  
8 ~~(B)~~  
9 ~~(2) Interim suspension orders.~~  
10 ~~(3) Orders restricting licensed activity pursuant to Section 23~~  
11 ~~of the Penal Code.~~  
12 ~~(C)~~  
13 ~~(4) Revocations, suspensions, probations, public letters of~~  
14 ~~reproval, or limitations on practice ordered by the board or by a~~  
15 ~~court with jurisdiction in the state, including those made part of a~~  
16 ~~probationary order, cease practice order, or stipulated agreement.~~  
17 ~~settlement.~~  
18 ~~(D)~~  
19 ~~(5) Accusations or petitions to revoke filed by the board,~~  
20 ~~including those accusations that are on appeal, excluding ones that~~  
21 ~~have been dismissed or withdrawn where the action is no longer~~  
22 ~~pending.~~  
23 ~~(6) Decisions by the board on petitions for early termination~~  
24 ~~or modification of probation and petitions for reinstatement.~~  
25 ~~(E)~~  
26 ~~(7) Citations issued by the board. Unless withdrawn, citations~~  
27 ~~shall be posted board, unless withdrawn, for five years from the~~  
28 ~~date of issuance.~~  
29 ~~(b) The board may also post on its Internet Web site all~~  
30 ~~(8) All of the following historical information in its possession,~~  
31 ~~custody, or control regarding all current and former licensees:~~  
32 ~~(1)~~  
33 ~~(9) Institutions that awarded the qualifying educational degree~~  
34 ~~and type of degree awarded.~~  
35 ~~(2)~~  
36 ~~(10) A link to the licensee's professional Internet Web site.~~  
37 ~~internet website. Any link that provides access to a licensee's~~  
38 ~~professional Internet Web site, internet website, once clicked, shall~~  
39 ~~be accompanied by a notification that informs the Internet Web~~

1 ~~site internet website~~ viewer that they are no longer on the board's  
2 ~~Internet Web site.~~ *internet website.*

3 ~~(e) The board may also post other~~

4 ~~(11) Other~~ information designated by the board in regulation.

5 ~~SEC. 6.~~

6 *SEC. 13.* Section 2936 of the Business and Professions Code  
7 is amended to read:

8 2936. The board shall adopt a program of consumer and  
9 professional education in matters relevant to the ethical practice  
10 of psychology. The board shall establish as its standards of ethical  
11 conduct relating to the practice of psychology, the "Ethical  
12 Principles of Psychologists and Code of Conduct" published by  
13 the American Psychological Association (APA). The board shall  
14 apply those standards as the accepted standard of care in all  
15 licensing examination development and in all board enforcement  
16 policies and disciplinary case evaluations.

17 To help consumers receive appropriate psychological services,  
18 all licensees shall post, in a conspicuous location in their principal  
19 psychological business office, if any, and in their informed consent  
20 agreement a notice that reads as follows:

21  
22 "NOTICE TO CONSUMERS: The Department of Consumer  
23 Affairs's Board of Psychology receives and responds to questions  
24 and complaints regarding the practice of psychology. If you have  
25 questions or complaints, you may contact the board by email at  
26 bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov,  
27 by calling 1-866-503-3221, or by writing to the following  
28 address:

29 Board of Psychology  
30 1625 North Market Boulevard, N-215  
31 Sacramento, California 95834"

32  
33 *SEC. 14. Section 2950 of the Business and Professions Code*  
34 *is amended to read:*

35 2950. (a) Graduates of the Southern California Psychoanalytic  
36 Institute, the Los Angeles Psychoanalytic Society and Institute,  
37 the San Francisco Psychoanalytic Institute, the San Diego  
38 Psychoanalytic Center, or institutes deemed equivalent by the  
39 board who have completed clinical training in psychoanalysis may  
40 engage in psychoanalysis as an adjunct to teaching, training, or

research and hold themselves out to the public as psychoanalysts, and students in those institutes may engage in psychoanalysis under supervision, if the students and graduates do not hold themselves out to the public by any title or description of services incorporating the words “psychological,” “psychologist,” “psychology,” “psychometrists,” “psychometrics,” or “psychometry,” or that they do not state or imply that they are licensed to practice psychology.

(b) Those students and graduates seeking to engage in psychoanalysis under this article shall register with the board, presenting evidence of their student or graduate status. The board may suspend or revoke the exemption of those persons for unprofessional conduct as defined in Sections 28, 490, 726, 729, 2936, 2960, 2960.1, 2960.6, 2963, 2966, 2969, and 2996.

(c) Each application for registration as a research psychoanalyst or student research psychoanalyst shall be made upon an online electronic form, or other form, provided by the board, and each application form shall contain a legal verification by the applicant certifying under penalty of perjury that the information provided by the applicant is true and correct and that any information in supporting documents provided by the applicant is true and correct.

~~SEC. 7.~~

*SEC. 15.* Section 2952 of the Business and Professions Code is amended to read:

2952. (a) Each person to whom registration is granted under the provisions of this article shall pay into the Psychology Fund a fee to be fixed by the board at a sum of one hundred fifty dollars (\$150).

(b) The registration shall expire after two years. The registration may be renewed biennially at a fee fixed by the board at a sum not in excess of seventy-five dollars (\$75). Students seeking to renew their registration shall present to the board evidence of their continuing student status.

(c) *Except as specified in subdivision (d), an applicant for registration shall pay a fingerprint processing fee of forty nine-dollars (\$49).*

(d) *An out-of-state applicant for registration shall pay a fingerprint hard card processing fee of one hundred eighty-four dollars (\$184).*

(e)

1 (e) The money in the Psychology Fund shall be used for the  
2 administration of this chapter. Any moneys within the Contingent  
3 Fund of the Medical Board of California collected pursuant to  
4 Section 2529.5 as it read before the enactment of the statute that  
5 added this section shall be deposited in the Psychology Fund.

6 ~~(d)~~

7 (f) The board may employ, subject to civil service regulations,  
8 whatever additional clerical assistance is necessary for the  
9 administration of this article.

10 SEC. 16. Section 2953 of the Business and Professions Code  
11 is repealed.

12 ~~2953. (a) Except as provided in subdivisions (b) and (c), the~~  
13 ~~board shall revoke the registration of any person who has been~~  
14 ~~required to register as a sex offender pursuant to Section 290 of~~  
15 ~~the Penal Code for conduct that occurred on or after January 1,~~  
16 ~~2017.~~

17 ~~(b) This section shall not apply to a person who is required to~~  
18 ~~register as a sex offender pursuant to Section 290 of the Penal~~  
19 ~~Code solely because of a misdemeanor conviction under Section~~  
20 ~~314 of the Penal Code.~~

21 ~~(c) This section shall not apply to a person who has been relieved~~  
22 ~~under Section 290.5 of the Penal Code of their duty to register as~~  
23 ~~a sex offender, or whose duty to register has otherwise been~~  
24 ~~formally terminated under California law.~~

25 ~~(d) A proceeding to revoke a registration pursuant to this section~~  
26 ~~shall be conducted in accordance with Chapter 5 (commencing~~  
27 ~~with Section 11500) of Part 1 of Division 3 of Title 2 of the~~  
28 ~~Government Code.~~

29 SEC. 17. Section 2954.1 is added to the Business and  
30 Professions Code, to read:

31 2954.1. (a) An applicant for registration as a research  
32 psychoanalyst shall not be subject to denial of registration under  
33 Division 1.5 (commencing with Section 475).

34 (b) An applicant for registration as a research psychoanalyst  
35 shall complete coursework or provide evidence of training in the  
36 detection and treatment of alcohol and other chemical substance  
37 dependency.

38 (c) An applicant for registration as a research psychoanalyst  
39 shall complete coursework or provide evidence of training in  
40 spousal or partner abuse assessment, detection, and intervention.

1 SEC. 18. Section 2954.2 is added to the Business and  
2 Professions Code, to read:

3 2954.2. (a) Except as provided in this section, the board shall  
4 renew the registration of a research psychoanalyst only if the  
5 research psychoanalyst has completed 36 hours of approved  
6 continuing professional development in the preceding two years.

7 (b) A registered research psychoanalyst who renews or applies  
8 to reinstate their registration pursuant to this chapter shall certify  
9 under penalty of perjury that they are in compliance with this  
10 section and shall retain proof of this compliance for submission  
11 to the board upon request. False statements submitted pursuant  
12 to this section shall be a violation of Section 2970.

13 (c) Continuing professional development means certain learning  
14 activities approved in three different categories:

15 (1) Professional activities.

16 (2) Academic activities.

17 (3) Sponsored continuing education coursework.

18 (d) The board may develop regulations further defining  
19 acceptable continuing professional development activities.

20 (e) Continuing education courses approved to meet the  
21 requirements of this section shall be approved for credit by  
22 organizations approved by the board. An organization previously  
23 approved by the board to provide or approve continuing education  
24 is deemed approved under this section.

25 (f) The board may accept continuing education courses approved  
26 by an entity that has demonstrated to the board in writing that it  
27 has, at a minimum, a 10-year history of providing educational  
28 programming for research psychoanalysts and has documented  
29 procedures for maintaining a continuing education approval  
30 program. The board shall adopt regulations necessary for  
31 implementing this section.

32 (g) The administration of this section may be funded through  
33 professional registration fees and continuing education provider  
34 and course approval fees, or both. The fees related to the  
35 administration of this section shall not exceed the costs of  
36 administering the corresponding provisions of this section.

37 SEC. 19. Section 2954.4 is added to the Business and  
38 Professions Code, to read:

39 2954.4. (a) Effective January 1, 2026, an applicant for  
40 registration as a research psychoanalyst shall show, as part of the

1 application, that they have completed a minimum of six hours of  
2 coursework or applied experience under supervision in suicide  
3 risk assessment and intervention. This requirement shall be met  
4 in one of the following ways:

5 (1) Obtained as part of the applicant's qualifying graduate  
6 degree program. To satisfy this requirement, the applicant shall  
7 submit to the board a transcript indicating completion of this  
8 coursework. In the absence of this coursework title in the  
9 transcript, the applicant shall submit a written certification from  
10 the registrar, department chair, or training director of the  
11 educational institution or program from which the applicant  
12 graduated stating that the coursework required by this section is  
13 included within the institution's curriculum required for graduation  
14 at the time the applicant graduated, or within the coursework that  
15 was completed by the applicant.

16 (2) Obtained as part of the applicant's applied experience.  
17 Applied experience can be met in any of the following settings:  
18 practicum, internship, or other qualifying supervised professional  
19 experience. To satisfy this requirement, the applicant shall submit  
20 to the board a written certification from the director of training  
21 for the program or primary supervisor where the qualifying  
22 experience has occurred stating that the training required by this  
23 section is included within the applied experience.

24 (3) By taking a continuing education course that meets the  
25 requirements of subdivision (e) or (f) of Section 2954.2 and that  
26 qualifies as a continuing education learning activity category  
27 specified in paragraph (2) or (3) of subdivision (c) of Section  
28 2954.2. To satisfy this requirement, the applicant shall submit to  
29 the board a certification of completion.

30 (b) Effective January 1, 2020, as a one-time requirement, a  
31 registrant, prior to the time of their first renewal after the operative  
32 date of this section, or an applicant for reactivation or  
33 reinstatement to an active registration status, shall have completed  
34 a minimum of six hours of coursework or applied experience under  
35 supervision in suicide risk assessment and intervention, as specified  
36 in subdivision (a). Proof of compliance with this section shall be  
37 certified under penalty of perjury that they are in compliance with  
38 this section and shall be retained for submission to the board upon  
39 request.



1 SEC. 20. Section 2954.5 is added to the Business and  
2 Professions Code, to read:

3 2954.5. (a) Effective January 1, 2026, an applicant for  
4 registration as a research psychoanalyst, as a condition of  
5 licensure, shall complete a minimum of six contact hours of  
6 coursework or applied experience in aging and long-term care,  
7 which may include, but is not limited to, the biological, social, and  
8 psychological aspects of aging. This coursework shall include  
9 instruction on the assessment and reporting of, as well as treatment  
10 related to, elder and dependent adult abuse and neglect.

11 (b) In order to satisfy the coursework requirement of this section,  
12 the applicant shall submit to the board a transcript indicating  
13 completion of this coursework. In the absence of this coursework  
14 title in the transcript, the applicant shall submit a written  
15 certification from the registrar, department chair, or training  
16 director of the educational institution or program from which the  
17 applicant graduated stating that the coursework required by this  
18 section is included within the institution's required curriculum for  
19 graduation at the time the applicant graduated, or within the  
20 coursework, that was completed by the applicant.

21 (c) (1) If an applicant does not have coursework pursuant to  
22 this section, the applicant may obtain evidence of compliance as  
23 part of their applied experience in a practicum, internship, or other  
24 qualifying supervised professional experience.

25 (2) To satisfy the applied experience requirement of this section,  
26 the applicant shall submit to the board a written certification from  
27 the director of training for the program or primary supervisor  
28 where the qualifying experience occurred stating that the training  
29 required by this section is included within the applied experience.

30 (d) If an applicant does not meet the curriculum or coursework  
31 requirement pursuant to this section, the applicant may obtain  
32 evidence of compliance by taking a continuing education course  
33 that meets the requirements of subdivision (d) or (e) of Section  
34 2954.2 and that qualifies as a learning activity category specified  
35 in paragraph (2) or (3) of subdivision (c) of Section 2954.2. To  
36 satisfy this requirement, the applicant shall submit to the board a  
37 certification of completion.

38 (e) A written certification made or submitted pursuant to this  
39 section shall be done under penalty of perjury.

1 SEC. 21. Section 2954.6 is added to the Business and  
2 Professions Code, to read:

3 2954.6. (a) The board shall adopt a program of consumer and  
4 professional education in matters relevant to the ethical practice  
5 of psychoanalysis. The board shall establish as its standards of  
6 ethical conduct relating to the practice of psychology, the “Ethical  
7 Principles of Psychologists and Code of Conduct” published by  
8 the American Psychoanalytic Association. Those standards shall  
9 be applied by the board as the accepted standard of care in all  
10 registration examination development and in all board enforcement  
11 policies and disciplinary case evaluations.

12 (b) To facilitate consumers in receiving appropriate  
13 psychoanalysis services, all registrants shall be required to post,  
14 in a conspicuous location in their principal psychoanalysis business  
15 office, a notice that reads as follows:

16 “NOTICE TO CONSUMERS: The Department of Consumer  
17 Affairs’ Board of Psychology receives and responds to questions  
18 and complaints regarding the practice of psychoanalysis. If you  
19 have questions or complaints, you may contact the board by email  
20 at [bopmail@dca.ca.gov](mailto:bopmail@dca.ca.gov), on the internet at [www.psychology.ca.gov](http://www.psychology.ca.gov),  
21 by calling 1-866-503-3221, or by writing to the following address:

22 Board of Psychology  
23 1625 North Market Boulevard, Suite N-215  
24 Sacramento, California 95834”

25 SEC. 22. Section 2960.2 of the Business and Professions Code  
26 is amended to read:

27 2960.2. (a) A licensee shall meet the requirements set forth in  
28 subparagraph (B) of paragraph (2) of subdivision (f) of Section  
29 1031 of the Government Code prior to performing either of the  
30 following:

31 ~~(1)~~

32 (a) An evaluation of a peace officer applicant’s an individual’s  
33 emotional and mental condition. condition pursuant to Section  
34 1031 of the Government Code.

35 ~~(2)~~

36 (b) An evaluation of a public officer or peace officer’s fitness  
37 for duty.

38 ~~(b) This section shall become operative on January 1, 2005.~~

1 ~~SEC. 8.~~

2 *SEC. 23.* Section 2960.6 of the Business and Professions Code  
3 is amended to read:

4 2960.6. The board may deny any application for, or may  
5 suspend or revoke a license issued under this chapter for, either  
6 of the following:

7 (a) The revocation, suspension, or other disciplinary action,  
8 including the equivalent action of another jurisdiction's licensing  
9 agency, on a license, certificate, or registration issued by that  
10 jurisdiction to practice psychology shall constitute grounds for  
11 disciplinary action for unprofessional conduct against that licensee  
12 in this state. A certified copy of the decision or judgment of the  
13 other jurisdiction shall be conclusive evidence of that action.

14 (b) The revocation, suspension, or other disciplinary action by  
15 any board established in this division, or the equivalent action of  
16 another jurisdiction's licensing agency, of the license of a healing  
17 arts practitioner shall constitute grounds for disciplinary action  
18 against that licensee under this chapter. The grounds for the action  
19 shall be substantially related to the qualifications, functions, or  
20 duties of a licensee. A certified copy of the decision or judgment  
21 shall be conclusive evidence of that action.

22 ~~SEC. 9.~~

23 *SEC. 24.* Section 2961 of the Business and Professions Code  
24 is amended to read:

25 2961. After a hearing pursuant to Section 2965, the board may  
26 deny an application for a license, issue a license subject to terms  
27 and conditions, or suspend, revoke, or impose probationary  
28 conditions upon, a license.

29 *SEC. 25.* *Section 2962 of the Business and Professions Code*  
30 *is amended to read:*

31 2962. (a) A person whose license or registration has been  
32 revoked, suspended, or surrendered, or who has been placed on  
33 probation, may petition the board for reinstatement or modification  
34 of the penalty, including modification or termination of ~~probation,~~  
35 ~~after a period of not less than the following minimum periods has~~  
36 ~~elapsed from the effective date of the decision ordering that~~  
37 ~~disciplinary action:~~ *probation. The petition shall be on a form*  
38 *provided by the board and shall state any facts or information as*  
39 *may be required by the board, including, but not limited to, proof*

1 of compliance with the terms and conditions of the underlying  
2 disciplinary order.

3 (b) The petitioner may file the petition on or after the expiration  
4 of the following timeframes, each of which commences on the  
5 effective date of the decision ordering that disciplinary action, or  
6 from the date the disciplinary action is actually implemented in  
7 its entirety if the order, or any portion of it, is stayed by the board  
8 or by the superior court:

9 (1) ~~At least three~~ Three years for reinstatement of a license  
10 revoked or surrendered.

11 (2) ~~At least two~~ Two years for early termination of probation  
12 of three years or more.

13 (3) ~~At least two~~ Two years for modification of a condition of  
14 probation.

15 (4) ~~At least one~~ One year for early termination of probation of  
16 less than three years.

17 ~~(b) The board may require an examination for that reinstatement.~~

18 (c) Notwithstanding Section 489, a person whose application  
19 for a license or registration has been denied by the board, for  
20 violations of Division 1.5 (commencing with Section 475) of this  
21 chapter, may reapply to the board for a license or registration only  
22 after a period of three years has elapsed from the date of the denial.

23 (d) The petitioner shall at all times have the burden of  
24 production of proof to establish by clear and convincing evidence  
25 that they are entitled to the relief sought in the petition.

26 (e) The board, when it is hearing the petition, or an  
27 administrative law judge sitting for the board, may consider all  
28 factors presented, including, but not limited to, the following:

29 (1) The offense for which the petitioner was disciplined.

30 (2) The petitioner's activities during the time their license or  
31 registration was in good standing.

32 (3) The petitioner's activities since the disciplinary action was  
33 taken.

34 (4) The petitioner's rehabilitative efforts, general reputation  
35 for truth, and professional ability.

36 (f) The board may, without a hearing, deny a petition for early  
37 termination of probation or modification of penalty for any of the  
38 following reasons:

39 (1) The petitioner has failed to comply with the terms and  
40 conditions of the disciplinary order.

1 (2) The board is conducting an investigation of the petitioner  
2 while they are on probation.

3 (3) The petitioner has a subsequent arrest that is substantially  
4 related to the qualifications, functions, or duties of the licensee  
5 and this arrest occurred while on probation.

6 (4) The petitioner's probation with the board is currently tolled.

7 (g) For reinstatements, the board may require that the petitioner  
8 execute a form authorizing release to the board, or its designee,  
9 of all information concerning the petitioner's current physical and  
10 mental condition. Information provided to the board pursuant to  
11 the release shall be confidential and shall not be subject to  
12 discovery or subpoena in any other proceeding, and shall not be  
13 admissible in any action, other than before the board, to determine  
14 the petitioner's fitness to practice as required by Section 822.

15 (h) If the board issues an order to reinstate a license, the  
16 petitioner shall comply with all of the following:

17 (1) Fingerprint submission requirements published by the board.

18 (2) Provisions set forth in Section 2985.

19 (3) All terms and conditions as specified by the order.

20 SEC. 26. Section 2963 of the Business and Professions Code  
21 is amended to read:

22 2963. A plea or verdict of guilty or a conviction following a  
23 plea of nolo contendere made to a charge which is substantially  
24 related to the qualifications, functions and duties of a ~~psychologist~~  
25 ~~or psychological assistant~~ psychologist, psychological assistant,  
26 research psychoanalyst, or student research psychoanalyst is  
27 deemed to be a conviction within the meaning of this article. The  
28 board may order the license or registration suspended or revoked,  
29 or may decline to issue a license or registration when the time for  
30 appeal has elapsed, or the judgment of conviction has been affirmed  
31 on appeal or when an order granting probation is made suspending  
32 the imposition of sentence, irrespective of a subsequent order under  
33 Section 1203.4 of the Penal Code allowing the person to withdraw  
34 ~~his or her~~ their plea of guilty and to enter a plea of not guilty, or  
35 setting aside the verdict of guilty, or dismissing the accusation,  
36 information or indictment.

37 SEC. 27. Section 2964 of the Business and Professions Code  
38 is amended to read:

39 2964. Whenever the board ~~orders a license revoked for cause,~~  
40 ~~with the exception of nonpayment of fees, or restores a license,~~

1 ~~these facts shall be reported to all other state psychology licensing~~  
2 ~~boards. revokes a license, it shall report the action to the National~~  
3 ~~Practitioner Data Bank.~~

4 ~~SEC. 10.~~

5 SEC. 28. Section 2964.3 of the Business and Professions Code  
6 is amended to read:

7 2964.3. Any person required to register as a sex offender  
8 pursuant to Section 290 of the Penal Code, is not eligible for  
9 licensure by the board.

10 ~~SEC. 11.~~

11 SEC. 29. Section 2964.5 of the Business and Professions Code  
12 is repealed.

13 ~~SEC. 12.~~

14 SEC. 30. Section 2964.5 is added to the Business and  
15 Professions Code, to read:

16 2964.5. The board may require any licensee it places on  
17 probation or whose license it suspends to obtain additional  
18 continuing professional development, to pass an examination as  
19 specified in Section 2941, or both.

20 ~~SEC. 13.~~

21 SEC. 31. Section 2964.6 of the Business and Professions Code  
22 is repealed.

23 ~~SEC. 14.~~

24 SEC. 32. Section 2964.6 is added to the Business and  
25 Professions Code, to read:

26 2964.6. The board may require any licensee it places on  
27 probation to pay the monetary costs associated with probation.

28 ~~SEC. 15.~~

29 SEC. 33. Section 2966 of the Business and Professions Code  
30 is repealed.

31 ~~SEC. 16.~~

32 SEC. 34. Section 2966 is added to the Business and Professions  
33 Code, to read:

34 2966. (a) Notwithstanding any other law, if a ~~licensee~~ licensee,  
35 *research psychoanalyst, or student research psychoanalyst* is  
36 incarcerated due to conviction of a felony, regardless of whether  
37 the conviction has been appealed, their license *or registration* is  
38 automatically suspended during the period of incarceration.

39 (b) The board shall, immediately upon receipt of a certified  
40 copy of the licensee's *or registrant's* conviction, determine whether

1 their license *or registration* has been automatically suspended due  
2 to incarceration, and notify the licensee *or registrant* of the  
3 suspension and of ~~the licensee's~~ *their* right to a hearing on any  
4 board order of discipline or denial, as described in subdivision (e).

5 (c) Unless the conviction is for an offense specified in  
6 subdivision (d), the board shall hold a hearing to determine if the  
7 felony conviction is substantially related to the qualifications,  
8 functions, or duties of a ~~licensee~~. *licensee or registrant*. At the  
9 discretion of the board, the hearing shall be held by an  
10 administrative law judge sitting alone or with a panel of the board.  
11 The record of the proceedings resulting in the conviction, including  
12 a transcript of the testimony, shall be received in evidence.

13 (d) A conviction of any crime specified in Section 187, 261, or  
14 288 of, or former Section 262 of, the Penal Code shall be  
15 conclusively presumed to be substantially related to the  
16 qualifications, functions, or duties of a ~~psychologist~~ *psychologist*  
17 *or psychotherapist, as applicable*, and a hearing shall not be held  
18 pursuant to subdivision (c).

19 (e) If the hearing in subdivision (c) determines that the  
20 conviction is substantially related to the qualifications, functions,  
21 or duties of the ~~licensee~~, *licensee or registrant*, then the license *or*  
22 *registration* shall remain suspended until either the time for appeal  
23 has elapsed if no appeal has been taken, or the judgment of  
24 conviction has been affirmed on appeal or has otherwise become  
25 final, and until further order of the board.

26 (f) The board may order discipline or deny a license *or*  
27 *registration* in accordance with Section 2961 if any of the following  
28 occur:

29 (1) The time for appeal has elapsed.

30 (2) The judgment of conviction has been affirmed on appeal.

31 (3) A court order granting probation suspends the sentence,  
32 regardless of a subsequent order under Section 1203.4 of the Penal  
33 Code allowing the person to withdraw a plea of guilty and to enter  
34 a plea of not guilty, setting aside the verdict of guilty, or dismissing  
35 the accusation, complaint, information, or indictment.

36 (4) The licensee *or registrant* elects to have the issue heard  
37 before any of the events specified in paragraphs (1), (2), or (3)  
38 occur. If the licensee *or registrant* elects to have the issue heard,  
39 the issue of penalty shall be heard at the hearing specified in  
40 subdivision (c).

(g) If the conviction is overturned on appeal, any discipline ordered pursuant to this section shall automatically cease. Nothing in this subdivision prohibits the board from pursuing disciplinary action based on a cause other than the overturned conviction.

(h) Upon its own motion or for good cause shown, the board may decline to set aside the suspension when it appears to be in the interest of justice to do so, with due regard to maintaining the integrity of and confidence in the psychology *or psychotherapy* profession.

*SEC. 35. Section 2971 of the Business and Professions Code is amended to read:*

2971. Whenever any person other than a licensed psychologist has engaged in any act or practice that constitutes an offense against this chapter, the superior court of any county, on application of the board, may issue an injunction or other appropriate order restraining that conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure, except that it shall be presumed that there is no adequate remedy at law, and that irreparable damage will occur if the ~~continued violation is not restrained or enjoined~~. *violation continues*. On the written request of the board, or on its own motion, the board may commence action in the superior court under this section.

~~SEC. 17.~~

*SEC. 36. Section 2985 of the Business and Professions Code is repealed.*

~~SEC. 18.~~

*SEC. 37. Section 2985 is added to the Business and Professions Code, to read:*

2985. (a) A suspended license is subject to expiration and shall be renewed as provided in this article. While the license remains suspended, renewal does not entitle the licensee to engage in the practice of psychology.

(b) A revoked or surrendered license is not subject to expiration and may not be renewed. If the license is reinstated, the licensee shall pay the renewal fee in effect on the date on which the license is reinstated, plus the delinquency fee, if any, accrued at the time the license was revoked.



~~SEC. 19.~~

*SEC. 38.* Section 2986 of the Business and Professions Code is repealed.

~~SEC. 20.~~

*SEC. 39.* Section 2986 is added to the Business and Professions Code, to read:

2986. A psychology license is void if it is not renewed within three years from the expiration date. Once void, the board shall not restore or reissue that license. The person who held that license may apply for and obtain a new license if they meet the requirements of this chapter provided that they satisfy all of the following:

(a) They have not committed any acts or crimes constituting grounds for denial of a license.

(b) They establish to the satisfaction of the board that they are qualified to practice psychology.

(c) They pay all required fees.

~~SEC. 21.~~

*SEC. 40.* Section 2987 of the Business and Professions Code is amended to read:

2987. The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:

(a) The application fee for a psychologist shall be two hundred thirty-six dollars (\$236).

(b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.

(c) The application fee for the California Psychology Law and Ethics Examination (CPLÉE) shall be one hundred twenty-seven dollars (\$127).

(d) The initial license fee for a psychologist shall be two hundred thirty-one dollars (\$231).

(e) The biennial renewal fee for a psychologist shall be seven hundred ninety-five dollars (\$795). The board may adopt regulations to set the fee at a higher amount, up to a maximum of one thousand one hundred dollars (\$1,100).

(f) The application fee for registration as a registered psychological associate under Section 2913 shall be four hundred twenty-four dollars (\$424).

(g) The annual renewal fee for registration of a psychological associate shall be two hundred twenty-four dollars (\$224). The board may adopt regulations to set the fee at a higher amount, up to a maximum of four hundred dollars (\$400).

(h) The duplicate license or registration fee is five dollars (\$5).

(i) The delinquency fee is 50 percent of the renewal fee for each license type, not to exceed three hundred ninety-seven dollars and fifty cents (\$397.50).

(j) The endorsement fee is five dollars (\$5).

(k) The file transfer fee is ten dollars (\$10).

(l) The registration fee for a psychological testing technician shall be seventy-five dollars (\$75).

(m) The annual renewal fee for a psychological testing technician is seventy-five dollars (\$75).

(n) The fee to add or change a supervisor for a psychological testing technician is twenty-five dollars (\$25).

(o) ~~The fee for Fingerprint Hard Card Processing for Out of State Applicants~~ *fingerprints fingerprint hard card processing for out-of-state applicants* shall be one hundred eighty-four dollars (\$184). Applicants shall also pay the actual cost to the board of processing the fingerprint hard card with the Department of Justice and Federal Bureau of Investigation.

(p) The fee for a psychological associate to add or change their supervisor shall be two hundred ten dollars (\$210). The fee shall be the actual cost to the board of processing the addition or change.

(q) Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

*SEC. 41. Section 2995 of the Business and Professions Code is amended to read:*

2995. A psychological corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are *licensed as* psychologists, podiatrists, registered nurses, optometrists, marriage and family therapists, licensed professional clinical counselors, licensed clinical social workers, chiropractors, acupuncturists, ~~or~~ physicians *and surgeons, naturopathic doctors, or midwives* are in compliance with the Moscone-Knox Professional Corporation Act, this article, and all

1 other statutes and regulations now or hereafter enacted or adopted  
2 pertaining to that corporation and the conduct of its affairs.

3 ~~SEC. 22.~~

4 *SEC. 42.* Section 2999.101 of the Business and Professions  
5 Code is amended to read:

6 2999.101. To register as a psychological testing technician, a  
7 person shall submit the following to the board:

8 (a) An application that includes the following information:

9 (1) The applicant's name, identification, and contact information.

10 (2) The applicant's supervisor's name, license number, and  
11 contact information.

12 (3) Attestation under penalty of perjury that the information  
13 provided on the application is true and correct.

14 (b) (1) Proof of completion of a bachelor's degree or graduate  
15 degree, or proof of current enrollment in a graduate degree  
16 program, from a regionally accredited university, college, or  
17 professional school, in any of the following areas:

18 (A) Psychology, including any field of specialization.

19 (B) Education, with the field of specialization in educational  
20 psychology, counseling psychology, or school psychology.

21 (C) Neuroscience, cognitive science, or behavioral science,  
22 including any field of specialization.

23 (2) The board shall make the final determination as to whether  
24 a degree or degree program meets the requirements of this  
25 subdivision.

26 (c) (1) Proof of completion of a minimum of 80 hours total of  
27 education and training relating to psychological or  
28 neuropsychological test administration and scoring that includes  
29 the following:

30 (A) At least 20 hours of direct observation, including at least  
31 10 hours of direct observation of a licensed psychologist  
32 administering and scoring tests, and at least 10 hours of direct  
33 observation of either a licensed psychologist or registered  
34 psychological testing technician administering and scoring tests.

35 (B) At least 40 hours of administering and scoring tests in the  
36 presence of a licensed psychologist.

37 (C) At least 20 hours of education on topics including law and  
38 ethics, confidentiality, and best practices for test administration  
39 and scoring.

(2) Education and training may be obtained by doing any combination of the following:

(A) Participating in individual or group instruction provided by a licensed psychologist.

(B) Engaging in independent learning directed by a licensed psychologist.

(C) Completing graduate-level coursework at a regionally accredited university, college, or professional school.

(D) Taking continuing education courses from organizations with board approval pursuant to Section 2915.

(3) Nothing in this chapter shall prevent a person engaged in gaining the experience required by this subdivision from administering and scoring psychological and neuropsychological tests.

(d) The registration fee for a psychological testing technician as specified in Section 2987.

(e) Electronic fingerprint image scans for a state- and federal-level criminal offender record information search conducted through the Department of Justice.

~~SEC. 23. Section 4980 of the Business and Professions Code is amended to read:~~

~~4980. (a) This chapter constitutes, and may be cited as, the Licensed Marriage and Family Therapist Practice Act.~~

~~(b)~~

~~(1) Many California families and many individual Californians are experiencing difficulty and distress and are in need of wise, competent, caring, compassionate, and effective counseling in order to enable them to improve and maintain healthy family relationships.~~

~~(2) Healthy individuals and healthy families and healthy relationships are inherently beneficial and crucial to a healthy society and are our most precious and valuable natural resource. Licensed marriage and family therapists provide a crucial support for the well being of the people and the State of California.~~

~~(c)~~

~~A person shall not engage in the practice of marriage and family therapy, as defined by Section 4980.02, unless the person holds a valid license as a marriage and family therapist pursuant to this chapter.~~

~~(d)~~

~~Except as provided in subdivision (e), a person shall not do either of the following without a license obtained pursuant to this chapter:~~

~~(1) Advertise that the person performs the services of a marriage, family, child, domestic, or marital consultant.~~

~~(2) Use the titles listed in paragraph (1) or any similar titles, including the letters “L.M.F.T.,” “M.F.T.,” or “M.F.C.C.,” or another name, word, initial, or symbol in connection with or following the person’s name to imply that the person performs the services suggested by those titles.~~

~~(e) (1) A person licensed under Article 4 (commencing with Section 4996) of Chapter 14 or under Chapter 6.6 (commencing with Section 2900) may engage in the practice of marriage and family therapy and advertise that the person practices marriage and family therapy.~~

~~(2) A person described in paragraph (1) shall not advertise that the person holds the marriage and family therapist’s license, including by using the letters “L.M.F.T.,” “M.F.T.,” or “M.F.C.C.,” or another name, word, initial, or symbol in connection with or following the person’s name to imply licensure as a marriage and family therapist, unless the person is licensed pursuant to this chapter.~~

~~SEC. 24.~~

*SEC. 43.* Section 4980.01 of the Business and Professions Code is amended to read:

4980.01. (a) This chapter shall not be construed to constrict, limit, or withdraw the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Licensed Professional Clinical Counselor Act, or the Psychology Licensing Law.

(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.

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

3 (2) (A) On and after July 1, 2020, the employee or volunteer  
4 provides a client, prior to initiating psychotherapy services or as  
5 soon as practicably possible thereafter, a notice written in at least  
6 12-point type that is in substantially the following form:

7  
8 NOTICE TO CLIENTS

9 The (name of office or unit) of the (name of agency) receives  
10 and responds to complaints regarding the practice of psychotherapy  
11 by any unlicensed or unregistered practitioner providing services  
12 at (name of agency). To file a complaint, contact (telephone  
13 number, email address, internet website, or mailing address of  
14 agency).

15 The Board of Behavioral Sciences receives and responds to  
16 complaints regarding services provided by individuals licensed  
17 and registered by the board. If you have a complaint and are unsure  
18 if your practitioner is licensed or registered, please contact the  
19 Board of Behavioral Sciences at 916-574-7830 for assistance or  
20 utilize the board's online license verification feature by visiting  
21 [www.bbs.ca.gov](http://www.bbs.ca.gov).

22  
23 (B) The delivery of the notice described in subparagraph (A)  
24 to the client shall be documented.

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

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

33 ~~SEC. 25.~~

34 *SEC. 44.* Section 4980.03 of the Business and Professions Code  
35 is amended to read:

36 4980.03. (a) "Board," as used in this chapter, means the Board  
37 of Behavioral Sciences.

38 (b) "Associate," as used in this chapter, means an unlicensed  
39 person who has earned a master's or doctoral degree qualifying

1 the person for licensure and is registered with the board as an  
2 associate.

3 (c) “Trainee,” as used in this chapter, means an unlicensed  
4 person who is currently enrolled in a master’s or doctoral degree  
5 program, as specified in Sections 4980.36 and 4980.37, that is  
6 designed to qualify the person for licensure under this chapter, and  
7 who has completed no less than 12 semester units or 18 quarter  
8 units of coursework in any qualifying degree program.

9 (d) “Applicant for licensure,” as used in this chapter, means an  
10 unlicensed person who has completed the required education and  
11 required hours of supervised experience for licensure.

12 (e) “Advertising,” as used in this chapter, includes, but is not  
13 limited to, any public communication, as defined in subdivision  
14 (a) of Section 651, the issuance of any card, sign, or device to any  
15 person, or the causing, permitting, or allowing of any sign or  
16 marking on, or in, any building or structure, or in any newspaper,  
17 magazine, directory, or any printed matter whatsoever, with or  
18 without any limiting qualification. Signs within religious buildings  
19 or notices in bulletins from a religious organization mailed to a  
20 congregation are not advertising within the meaning of this chapter.

21 (f) “Experience,” as used in this chapter, means experience in  
22 interpersonal relationships, psychotherapy, marriage and family  
23 therapy, direct clinical counseling, and nonclinical practice that  
24 satisfies the requirements for licensure as a marriage and family  
25 therapist.

26 (g) “Supervisor,” as used in this chapter, means an individual  
27 who meets all of the following requirements:

28 (1) Has held an active license for at least two years within the  
29 five-year period immediately preceding any supervision as any of  
30 the following:

31 (A) A licensed professional clinical counselor, licensed marriage  
32 and family therapist, psychologist licensed pursuant to Chapter  
33 6.6 (commencing with Section 2900), licensed clinical social  
34 worker, licensed educational psychologist, or equivalent  
35 out-of-state license. A licensed educational psychologist may only  
36 supervise the provision of educationally related mental health  
37 services that are consistent with the scope of practice of an  
38 educational psychologist, as specified in Section 4989.14.

39 (B) A physician and surgeon who is certified in psychiatry by  
40 the American Board of Psychiatry and Neurology or an out-of-state

1 licensed physician and surgeon who is certified in psychiatry by  
2 the American Board of Psychiatry and Neurology.

3 (2) For at least two years within the five-year period immediately  
4 preceding any supervision, has practiced psychotherapy, provided  
5 psychological counseling pursuant to paragraph (5) of subdivision  
6 (a) of Section 4989.14, or provided direct clinical supervision of  
7 psychotherapy performed by marriage and family therapist trainees,  
8 associate marriage and family therapists, associate professional  
9 clinical counselors, or associate clinical social workers. Supervision  
10 of psychotherapy performed by a social work intern or a  
11 professional clinical counselor trainee shall be accepted if the  
12 supervision provided is substantially equivalent to the supervision  
13 required for registrants.

14 (3) Has received training in supervision as specified in this  
15 chapter and by regulation.

16 (4) Has not provided therapeutic services to the supervisee.

17 (5) Has and maintains a current and active license that is not  
18 under suspension or probation as one of the following:

19 (A) A marriage and family therapist, professional clinical  
20 counselor, clinical social worker, or licensed educational  
21 psychologist, issued by the board.

22 (B) A psychologist licensed pursuant to Chapter 6.6  
23 (commencing with Section 2900).

24 (C) A physician and surgeon who is certified in psychiatry by  
25 the American Board of Psychiatry and Neurology.

26 (6) Is not a spouse, domestic partner, or relative of the  
27 supervisee.

28 (7) Does not currently have or previously had a personal,  
29 professional, or business relationship with the supervisee that  
30 undermines the authority or effectiveness of the supervision.

31 (h) “Client centered advocacy,” as used in this chapter, includes,  
32 but is not limited to, researching, identifying, and accessing  
33 resources, or other activities, related to obtaining or providing  
34 services and supports for clients or groups of clients receiving  
35 psychotherapy or counseling services.

36 (i) “Accredited,” as used in this chapter, means a school, college,  
37 or university accredited by either the Commission on Accreditation  
38 for Marriage and Family Therapy Education or a regional or  
39 national institutional accrediting agency that is recognized by the  
40 United States Department of Education.



(j) “Approved,” as used in this chapter, means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.

~~SEC. 26.~~

*SEC. 45.* Section 4980.11 of the Business and Professions Code is amended to read:

4980.11. (a) Notwithstanding Section 4980, a person who holds a license in another jurisdiction of the United States as a marriage and family therapist may provide marriage and family therapy services in this state for a period not to exceed 30 consecutive days in any calendar year, if all of the following conditions are met:

(1) The license from another jurisdiction is at the highest level for independent clinical practice in the jurisdiction in which the license was granted.

(2) The license from another jurisdiction is current, active, and unrestricted.

(3) The client is located in California during the time the person seeks to provide care in California.

(4) The client is a current client of the person and has an established, ongoing client-provider relationship with the person at the time the client became located in California.

(5) The person informs the client of the limited timeframe of the services and that the person is not licensed in California.

(6) The person provides the client with the Board of Behavioral Sciences’ internet website address.

(7) The person informs the client of the jurisdiction in which the person is licensed and the type of license held and provides the client with the person’s license number.

(b) A person who intends to provide marriage and family therapy services pursuant to this section shall provide the board with all of the following information before providing services:

(1) The name under which the person is licensed in another jurisdiction, the person’s mailing address, the person’s phone number, the person’s social security number or individual taxpayer identification number, and the person’s electronic mailing address, if the person has an electronic mailing address.

(2) The jurisdiction in which the person is licensed, the type of license held, and the license number.

(3) The date on which the person will begin providing marriage and family therapy services to the person's client in California.

(c) A person who provides services pursuant to this section is ~~deemed to have agreed, and attested under penalty of perjury, to practicing under the jurisdiction of the board and shall submit a signed statement, under penalty of perjury, acknowledging that they are subject to the jurisdiction of the board and agreeing to~~ be bound by the laws of this state.

(d) This section does not apply to any person licensed by the board whose license has been suspended or revoked.

(e) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

~~SEC. 27.~~

*SEC. 46.* Section 4980.38 of the Business and Professions Code is amended to read:

4980.38. (a) Each educational institution preparing applicants to qualify for registration or licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Section 4980.36 or 4980.37, and shall certify to the board that it has so notified its students.

(b) An applicant for registration or licensure shall submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and any associated coursework completed by the applicant does one of the following:

(1) Meets all of the requirements set forth in Section 4980.36.

(2) Meets all of the requirements set forth in Section 4980.37.

~~SEC. 28.~~

*SEC. 47.* Section 4980.397 of the Business and Professions Code is amended to read:

4980.397. (a) A registrant or an applicant for licensure as a marriage and family therapist shall pass the following two examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination administered by the board or by a public or private organization, as specified by the board in regulations.

1 (b) Upon registration with the board, an associate marriage and  
2 family therapist shall, within the first year of registration, take an  
3 examination on California law and ethics.

4 (c) A registrant or an applicant for licensure may take the clinical  
5 examination only upon meeting all of the following requirements:

6 (1) Completion of all required supervised work experience.

7 (2) Completion of all education requirements.

8 (3) Passage of the California law and ethics examination.

9 ~~SEC. 29.~~

10 *SEC. 48.* Section 4980.40 of the Business and Professions Code  
11 is amended to read:

12 4980.40. An applicant for licensure shall satisfy all of the  
13 following qualifications:

14 (a) Meet the educational requirements of Section 4980.36 or  
15 both Sections 4980.37 and 4980.41, as applicable.

16 (b) Be at least 18 years of age.

17 (c) Have at least two years of supervised experience as specified  
18 in this chapter and its corresponding regulations.

19 (d) Successfully pass a California law and ethics examination  
20 and a clinical examination, as specified in Section 4980.397. An  
21 applicant who has successfully passed a previously administered  
22 written examination may be subsequently required to take and pass  
23 another written examination.

24 (e) Not be subject to denial of licensure under Section 480. The  
25 board shall not issue a registration or license to any person who  
26 has been convicted of a crime in this or another state or in a  
27 territory of the United States that involves sexual abuse of children  
28 or who is required to register pursuant to Section 290 of the Penal  
29 Code or the equivalent in another state or territory, in accordance  
30 with Section 480.

31 ~~SEC. 30.~~

32 *SEC. 49.* Section 4980.41 of the Business and Professions Code  
33 is amended to read:

34 4980.41. (a) An applicant for licensure whose education  
35 qualifies them under Section 4980.37 shall complete the following  
36 coursework or training in order to be eligible to sit for the licensing  
37 examinations as specified in Section 4980.397:

38 (1) A two semester or three quarter unit course in California  
39 law and professional ethics for marriage and family therapists,

1 which shall include, but not be limited to, the following areas of  
2 study:

3 (A) Contemporary professional ethics and statutory, regulatory,  
4 and decisional laws that delineate the profession's scope of  
5 practice.

6 (B) The therapeutic, clinical, and practical considerations  
7 involved in the legal and ethical practice of marriage and family  
8 therapy, including family law.

9 (C) The current legal patterns and trends in the mental health  
10 profession.

11 (D) The psychotherapist-patient privilege, confidentiality, the  
12 patient dangerous to self or others, and the treatment of minors  
13 with and without parental consent.

14 (E) A recognition and exploration of the relationship between  
15 a practitioner's sense of self and human values and their  
16 professional behavior and ethics.

17 This course may be considered as part of the 48 semester or 72  
18 quarter unit requirements contained in Section 4980.37.

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

22 (3) A minimum of 10 contact hours of training or coursework  
23 in human sexuality as specified in Section 25, and any regulations  
24 promulgated thereunder. When coursework in a master's or  
25 doctor's degree program is acquired to satisfy this requirement, it  
26 shall be considered as part of the 48 semester or 72 quarter unit  
27 requirement contained in Section 4980.37.

28 (4) For persons who began graduate study on or after January  
29 1, 1986, a master's or doctor's degree qualifying for licensure shall  
30 include specific instruction in alcoholism and other chemical  
31 substance dependency as specified by regulation. When coursework  
32 in a master's or doctor's degree program is acquired to satisfy this  
33 requirement, it shall be considered as part of the 48 semester or  
34 72 quarter unit requirement contained in Section 4980.37.  
35 Coursework required under this paragraph may be satisfactory if  
36 taken either in fulfillment of other educational requirements for  
37 licensure or in a separate course. The applicant may satisfy this  
38 requirement by successfully completing this coursework from a  
39 master's or doctoral degree program at an accredited or approved  
40 institution, as described in subdivision (b) of Section 4980.37, or

1 from a board-accepted provider of continuing education, as  
2 described in Section 4980.54.

3 (5) For persons who began graduate study during the period  
4 commencing on January 1, 1995, and ending on December 31,  
5 2003, a master's or doctor's degree qualifying for licensure shall  
6 include coursework in spousal or partner abuse assessment,  
7 detection, and intervention. For persons who began graduate study  
8 on or after January 1, 2004, a master's or doctor's degree qualifying  
9 for licensure shall include a minimum of 15 contact hours of  
10 coursework in spousal or partner abuse assessment, detection, and  
11 intervention strategies, including knowledge of community  
12 resources, cultural factors, and same gender abuse dynamics.  
13 Coursework required under this paragraph may be satisfactory if  
14 taken either in fulfillment of other educational requirements for  
15 licensure or in a separate course. The applicant may satisfy this  
16 requirement by successfully completing this coursework from a  
17 master's or doctoral degree program at an accredited or approved  
18 institution, as described in subdivision (b) of Section 4980.37, or  
19 from a board-accepted provider of continuing education, as  
20 described in Section 4980.54.

21 (6) For persons who began graduate study on or after January  
22 1, 2001, an applicant shall complete a minimum of a two semester  
23 or three quarter unit survey course in psychological testing. When  
24 coursework in a master's or doctor's degree program is acquired  
25 to satisfy this requirement, it may be considered as part of the 48  
26 semester or 72 quarter unit requirement of Section 4980.37.

27 (7) For persons who began graduate study on or after January  
28 1, 2001, an applicant shall complete a minimum of a two semester  
29 or three quarter unit survey course in psychopharmacology. When  
30 coursework in a master's or doctor's degree program is acquired  
31 to satisfy this requirement, it may be considered as part of the 48  
32 semester or 72 quarter unit requirement of Section 4980.37.

33 (b) The requirements added by paragraphs (6) and (7) of  
34 subdivision (a) are intended to improve the educational  
35 qualifications for licensure in order to better prepare future  
36 licentiates for practice and are not intended in any way to expand  
37 or restrict the scope of practice for licensed marriage and family  
38 therapists.

~~SEC. 31.~~

*SEC. 50.* Section 4980.43.2 of the Business and Professions Code, as amended by Section 3 of Chapter 160 of the Statutes of 2024, is amended to read:

4980.43.2. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (10) of subdivision (c) of Section 4980.43, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained on or 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 on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

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

(b) (1) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(A) Individual supervision, which means one hour of face-to-face contact between one supervisor and one person receiving supervision for providing clinical mental health services.

(B) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two persons receiving supervision for providing clinical mental health services.

(C) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight persons receiving supervision for providing clinical mental health services. 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 person in the group.

(2) For purposes of this subdivision, “face-to-face contact” means in-person contact, contact via two-way, real-time videoconferencing, or some combination of these.

(c) The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(d) (1) Within 60 days of the commencement of supervision, a supervisor shall conduct a meeting with the supervisee during which the supervisor shall assess the appropriateness of allowing the supervisee to receive supervision via two-way, real-time videoconferencing. This assessment of appropriateness shall include, but is not limited to, the abilities of the supervisee, the preferences of both the supervisee and supervisor, and the privacy of the locations of the supervisee and supervisor while supervision is conducted.

(2) The supervisor shall document the results of the assessment made pursuant to paragraph (1), and shall not utilize supervision via two-way, real-time videoconferencing if their assessment finds it is not appropriate.

(e) Direct supervisor contact shall occur within the same week as the hours claimed.

(f) Alternative supervision may be arranged during a supervisor’s vacation or sick leave if the alternative supervision meets the requirements of this chapter.

(g) 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 (10) of subdivision (c) of Section 4980.43, shall be at the supervisor’s discretion.

~~SEC. 32.~~

*SEC. 51.* Section 4980.43.2 of the Business and Professions Code, as amended by Section 4 of Chapter 160 of the Statutes of 2024, is repealed.

~~SEC. 33.~~

*SEC. 52.* Section 4980.43.3 of the Business and Professions Code is amended to read:

1 4980.43.3. (a) A trainee, associate, or applicant for licensure  
2 shall only perform mental health and related services as an  
3 employee or volunteer, and not as an independent contractor. The  
4 requirements of this chapter regarding hours of experience and  
5 supervision shall apply equally to employees and volunteers. A  
6 trainee, associate, or applicant for licensure shall not perform any  
7 services or gain any experience within the scope of practice of the  
8 profession, as defined in Section 4980.02, as an independent  
9 contractor. While an associate may be either a paid employee or  
10 a volunteer, employers are encouraged to provide fair remuneration.

11 (1) If employed, an associate shall provide the board, upon  
12 application for licensure, with copies of the W-2 tax forms for  
13 each year of experience claimed. For experience gained during a  
14 tax year that has not ended by the date the associate's application  
15 for licensure is received by the board, the associate shall provide  
16 the board with a copy of their most recent pay stub.

17 (2) If volunteering, an associate shall provide the board, upon  
18 application for licensure, with a letter from the associate's employer  
19 verifying the associate's status as a volunteer during the dates the  
20 experience was gained.

21 (b) (1) A trainee shall not perform services in a private practice  
22 or a professional corporation. A trainee may be credited with  
23 supervised experience completed in a setting that meets all of the  
24 following:

25 (A) Is not a private practice or professional corporation.

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

28 (C) Provides oversight to ensure that the trainee's work at the  
29 setting meets the experience and supervision requirements in this  
30 chapter and is within the scope of practice for the profession, as  
31 defined in Section 4980.02.

32 (2) Only experience gained in the position for which the trainee  
33 volunteers or is employed shall qualify as supervised experience.

34 (c) (1) An associate may be credited with supervised experience  
35 completed in any setting that meets both of the following:

36 (A) Lawfully and regularly provides mental health counseling  
37 or psychotherapy.

38 (B) Provides oversight to ensure that the associate's work at the  
39 setting meets the experience and supervision requirements in this



chapter and is within the scope of practice for the profession, as defined in Section 4980.02.

(2) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

(3) An applicant for registration as an associate shall not be employed or volunteer in a private practice or professional corporation until the applicant has been issued an associate registration by the board.

(d) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(e) A trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by their employer, if an employee.

(f) A trainee, associate, or applicant for licensure shall have no proprietary interest in their 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 their employer.

(g) A trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payment received was for reimbursement of expenses actually incurred.

(h) A trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payment received was for the specified purposes.

1 (i) An associate or a trainee may provide services via telehealth  
2 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 the supervisor's associates and  
8 trainees regarding the advisability of undertaking individual,  
9 marital, conjoint, family, or group counseling or psychotherapy,  
10 as appropriate. Insofar as it is deemed appropriate and is desired  
11 by the applicant, educational institutions and supervisors are  
12 encouraged to assist the applicant to locate counseling or  
13 psychotherapy at a reasonable cost.

14 ~~SEC. 34.~~

15 *SEC. 53.* Section 4980.50 of the Business and Professions Code  
16 is amended to read:

17 4980.50. (a) Every applicant who meets the educational and  
18 experience requirements and applies for a license as a marriage  
19 and family therapist shall be examined by the board. The  
20 examinations shall be as set forth in Section 4980.397. The  
21 examinations shall be given at least twice a year at a time and place  
22 and under supervision as the board may determine. The board shall  
23 examine the candidate with regard to the candidate's knowledge  
24 and professional skills and judgment in the utilization of  
25 appropriate techniques and methods.

26 (b) The board shall not deny any applicant who has submitted  
27 a complete application for examination, admission to the licensure  
28 examinations required by this section if the applicant meets the  
29 educational and experience requirements of this chapter, and has  
30 not committed any acts or engaged in any conduct that would  
31 constitute grounds to deny licensure.

32 (c) The board shall not deny any applicant, whose application  
33 for licensure is complete, admission to the clinical examination,  
34 nor shall the board postpone or delay any applicant's clinical  
35 examination, solely upon the receipt by the board of a complaint  
36 alleging acts or conduct that would constitute grounds to deny  
37 licensure.

38 (d) If an applicant for examination who has passed the California  
39 law and ethics examination is the subject of a complaint or is under  
40 board investigation for acts or conduct that, if proven to be true,

1 would constitute grounds for the board to deny licensure, the board  
2 shall permit the applicant to take the clinical examination for  
3 licensure, but may notify the applicant that licensure will not be  
4 granted pending completion of the investigation.

5 (e) Notwithstanding Section 135, the board may deny any  
6 applicant who has previously failed either the California law and  
7 ethics examination or the clinical examination permission to retake  
8 either examination pending completion of the investigation of any  
9 complaints against the applicant. Nothing in this section shall  
10 prohibit the board from denying an applicant admission to any  
11 examination or refusing to issue a license to any applicant when  
12 an accusation or statement of issues has been filed against the  
13 applicant pursuant to Sections 11503 and 11504 of the Government  
14 Code, respectively, or the applicant has been denied in accordance  
15 with subdivision (b) of Section 485.

16 (f) Notwithstanding any other provision of law, the board may  
17 destroy all examination materials two years following the date of  
18 an examination.

19 (g) An applicant for licensure shall not be eligible to participate  
20 in the clinical examination if the applicant fails to obtain a passing  
21 score on the clinical examination within seven years from their  
22 initial attempt, unless the applicant takes and obtains a passing  
23 score on the current version of the California law and ethics  
24 examination.

25 (h) A passing score on the clinical examination shall be accepted  
26 by the board for a period of seven years from the date the  
27 examination was taken.

28 (i) An applicant for licensure who has qualified pursuant to this  
29 chapter shall be issued a license as a marriage and family therapist  
30 in the form that the board deems appropriate.

31 ~~SEC. 35.~~

32 *SEC. 54.* Section 4980.54 of the Business and Professions Code  
33 is amended to read:

34 4980.54. (a) The Legislature recognizes that the education and  
35 experience requirements in this chapter constitute only minimal  
36 requirements to ensure that an applicant is prepared and qualified  
37 to take the licensure examinations as specified in Section 4980.397  
38 and, if an applicant passes those examinations, to begin practice.

39 (b) In order to continuously improve the competence of licensed  
40 and registered marriage and family therapists and as a model for

1 all psychotherapeutic professions, the Legislature encourages all  
2 licensees and registrants to regularly engage in continuing  
3 education related to the profession or scope of practice as defined  
4 in this chapter.

5 (c) (1) Except as provided in subdivision (f), the board shall  
6 not renew any license pursuant to this chapter unless the applicant  
7 certifies to the board, on a form prescribed by the board, that the  
8 applicant has completed not less than 36 hours of approved  
9 continuing education in or relevant to the field of marriage and  
10 family therapy in the preceding two years, as determined by the  
11 board.

12 (2) The board shall not renew any registration pursuant to this  
13 chapter unless the registrant certifies under penalty of perjury to  
14 the board, and on a form prescribed by the board, that they have  
15 completed not less than three hours of continuing education on the  
16 subject of California law and ethics during the preceding year.

17 (d) The board shall have the right to audit the records of any  
18 applicant to verify the completion of the continuing education  
19 requirement. Applicants shall maintain records of completion of  
20 required continuing education coursework for a minimum of two  
21 years and shall make these records available to the board for  
22 auditing purposes upon request.

23 (e) (1) In determining its continuing education requirements,  
24 the board shall consider including a course in menopausal mental  
25 health.

26 (2) In determining its continuing education requirements, the  
27 board shall consider including a course in maternal mental health.

28 (f) The board may establish exceptions from the continuing  
29 education requirements of this section for good cause, as defined  
30 by the board.

31 (g) The continuing education shall be obtained from one of the  
32 following sources:

33 (1) A school, college, or university that is accredited or  
34 approved, as defined in Section 4980.03. Nothing in this paragraph  
35 shall be construed as requiring coursework to be offered as part  
36 of a regular degree program.

37 (2) Other continuing education providers, as specified by the  
38 board by regulation.

39 (h) The board shall establish, by regulation, a procedure for  
40 identifying acceptable providers of continuing education courses,

and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (g), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(i) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.

(2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

(j) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(k) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

~~SEC. 36.~~

*SEC. 55.* Section 4980.72 of the Business and Professions Code is amended to read:

4980.72. The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United States as a marriage and family therapist at the highest level for independent clinical practice if all of the following requirements are met:

(a) The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least two years immediately before the date the application was received by the board. The applicant shall disclose to the board for review any past restrictions or disciplinary action on an out-of-state license, and the board shall consider these actions in determining whether to issue a license to the applicant.

1 (b) The applicant's degree that qualified the person for the  
2 out-of-state license is a master's or doctoral degree that was  
3 obtained from an accredited or approved institution.

4 (c) The applicant complies with the fingerprint requirements  
5 established by Section 144.

6 (d) The applicant completes the coursework specified in  
7 paragraphs (1) and (2) from an accredited institution or an approved  
8 institution or from an acceptable provider of continuing education  
9 as specified in Section 4980.54. Undergraduate coursework shall  
10 not satisfy these requirements.

11 (1) A minimum of 12 hours of coursework in California law  
12 and professional ethics that includes, but is not limited to,  
13 instruction in advertising, scope of practice, scope of competence,  
14 treatment of minors, confidentiality, dangerous clients,  
15 psychotherapist-client privilege, recordkeeping, client access to  
16 records, state and federal laws relating to confidentiality of patient  
17 health information, dual relationships, child abuse, elder and  
18 dependent adult abuse, online therapy, insurance reimbursement,  
19 civil liability, disciplinary actions and unprofessional conduct,  
20 ethics complaints and ethical standards, termination of therapy,  
21 standards of care, relevant family law, therapist disclosures to  
22 clients, the application of legal and ethical standards in different  
23 types of work settings, and licensing law and the licensing process.

24 (2) At least one semester unit, or 15 hours, of instruction that  
25 includes an understanding of various California cultures and the  
26 social and psychological implications of socioeconomic position.

27 (e) The applicant obtains a minimum of seven contact hours of  
28 training or coursework in child abuse assessment and reporting,  
29 as specified in Section 28, and any regulations promulgated  
30 pursuant to that section.

31 (f) On or after January 1, 2021, the applicant shall show proof  
32 of completion of at least six hours of coursework or applied  
33 experience under supervision in suicide risk assessment and  
34 intervention using one of the methods specified in Section  
35 4980.396.

36 (g) The applicant passes the board-administered California law  
37 and ethics examination specified in Section 4980.397. The clinical  
38 examination specified in Section 4980.397 shall be waived for an  
39 applicant qualifying under this section.

(h) This section was developed based on an examination of the licensure requirements for marriage and family therapists on a national level. This section shall not be construed to apply to any provisions under this division or Division 3 (commencing with Section 5000) other than this act.

~~SEC. 37.~~

SEC. 56. Section 4980.74 of the Business and Professions Code is amended to read:

4980.74. (a) This section applies to persons with education gained from an out-of-state school or experience gained outside of California who apply for licensure or registration and who do not qualify for a license under Section 4980.72.

(b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4980.78, and the applicant complies with Section 4980.76, if applicable. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to the experience required by this chapter. If the applicant has fewer than 3,000 hours of qualifying supervised experience, the board shall accept as qualifying supervised experience the amount of time the applicant held an active license in good standing in another state or country as a marriage and family therapist at the highest level for independent clinical practice at a rate of 100 hours per month, up to a maximum of 1,200 hours.

(d) An applicant who obtained a license or registration in another state or country may qualify for licensure with the board without taking the clinical examination specified in Section 4980.397 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 state or country is active, in good standing at the time of the application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

1     ~~SEC. 38.~~

2     *SEC. 57.* Section 4982 of the Business and Professions Code  
3 is amended to read:

4     4982. The board may deny a license or registration or may  
5 suspend or revoke the license or registration of a licensee or  
6 registrant if the licensee or registrant has been guilty of  
7 unprofessional conduct. Unprofessional conduct includes, but is  
8 not limited to, the following:

9     (a) The conviction of a crime substantially related to the  
10 qualifications, functions, or duties of a licensee or registrant under  
11 this chapter. The record of conviction shall be conclusive evidence  
12 only of the fact that the conviction occurred. The board may inquire  
13 into the circumstances surrounding the commission of the crime  
14 in order to fix the degree of discipline or to determine if the  
15 conviction is substantially related to the qualifications, functions,  
16 or duties of a licensee or registrant under this chapter. A conviction  
17 has the same meaning as defined in Section 7.5. The board may  
18 order any license or registration suspended or revoked, or may  
19 decline to issue a license or registration when the time for appeal  
20 has elapsed, or the judgment of conviction has been affirmed on  
21 appeal, or, when an order granting probation is made suspending  
22 the imposition of sentence. All actions pursuant to this subdivision  
23 shall be taken pursuant to Division 1.5 (commencing with Section  
24 475).

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 themselves any controlled substance or  
31 using of any of the dangerous drugs specified in Section 4022, or  
32 of 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



1 as a physician and surgeon, who uses or offers to use drugs in the  
2 course of performing marriage and family therapy services.

3 (d) Gross negligence or incompetence in the performance of  
4 marriage and family therapy.

5 (e) Violating, attempting to violate, or conspiring to violate any  
6 of the provisions of this chapter or any regulation adopted by the  
7 board.

8 (f) Misrepresentation as to the type or status of a license or  
9 registration held by the licensee or registrant or otherwise  
10 misrepresenting or permitting misrepresentation of the licensee's  
11 or registrant's education, professional qualifications, or professional  
12 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 the licensee's or  
16 registrant's license 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 marriage and  
31 family therapist.

32 (l) Performing, or holding oneself out as being able to perform,  
33 or offering to perform, or permitting any trainee, registered  
34 associate, or applicant for licensure under supervision to perform,  
35 any professional services beyond the scope of the license authorized  
36 by this chapter.

37 (m) Failure to maintain confidentiality, except as otherwise  
38 required or permitted by law, of all information that has been  
39 received from a client in confidence during the course of treatment

1 and all information about the client that is obtained from tests or  
2 other means.

3 (n) Prior to the commencement of treatment, failing to disclose  
4 to the client or prospective client the fee to be charged for the  
5 professional services, or the basis upon which that fee will be  
6 computed.

7 (o) Paying, accepting, or soliciting any consideration,  
8 compensation, or remuneration, whether monetary or otherwise,  
9 for the referral of professional clients. All consideration,  
10 compensation, or remuneration shall be in relation to professional  
11 counseling services actually provided by the licensee. This  
12 subdivision does not prevent collaboration among two or more  
13 licensees in a case or cases. However, a fee shall not be charged  
14 for that collaboration, except when disclosure of the fee has been  
15 made in compliance with subdivision (n).

16 (p) Advertising in a manner that is false, fraudulent, misleading,  
17 or deceptive, as defined in Section 651.

18 (q) Reproduction or description in public, or in any publication  
19 subject to general public distribution, of any psychological test or  
20 other assessment device, the value of which depends in whole or  
21 in part on the naivete of the subject, in ways that might invalidate  
22 the test or device.

23 (r) Any conduct in the supervision of any registered associate,  
24 trainee, or applicant for licensure by any licensee that violates this  
25 chapter or any rules or regulations adopted by the board.

26 (s) Performing or holding oneself out as being able to perform  
27 mental health services beyond the scope of one's competence, as  
28 established by one's education, training, or experience. This  
29 subdivision shall not be construed to expand the scope of the  
30 license authorized by this chapter.

31 (t) Permitting a trainee, registered associate, or applicant for  
32 licensure under one's supervision or control to perform, or  
33 permitting the trainee, registered associate, or applicant for  
34 licensure to hold themselves out as competent to perform, mental  
35 health services beyond the trainee's, registered associate's, or  
36 applicant for licensure's level of education, training, or experience.

37 (u) The violation of any statute or regulation governing the  
38 gaining and supervision of experience required by this chapter.

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

9 (y) Willful violation of Chapter 1 (commencing with Section  
10 123100) of Part 1 of Division 106 of the Health and Safety Code.

11 (z) Failure to comply with the procedures set forth in Section  
12 2290.5 when delivering health care via telehealth.

13 (aa) (1) Engaging in an act described in Section 261, 286, 287,  
14 or 289 of, or former Section 288a of, the Penal Code with a minor  
15 or an act described in Section 288 or 288.5 of the Penal Code  
16 regardless of whether the act occurred prior to or after the time the  
17 registration or license was issued by the board. An act described  
18 in this subdivision occurring prior to the effective date of this  
19 subdivision shall constitute unprofessional conduct and shall  
20 subject the licensee to refusal, suspension, or revocation of a license  
21 under this section.

22 (2) The Legislature hereby finds and declares that protection of  
23 the public, and in particular minors, from sexual misconduct by a  
24 licensee is a compelling governmental interest, and that the ability  
25 to suspend or revoke a license for sexual conduct with a minor  
26 occurring prior to the effective date of this section is equally  
27 important to protecting the public as is the ability to refuse a license  
28 for sexual conduct with a minor occurring prior to the effective  
29 date of this section.

30 (ab) Engaging in any conduct that subverts or attempts to subvert  
31 any licensing examination or the administration of an examination  
32 as described in Section 123.

33 ~~SEC. 39.~~

34 ~~SEC. 58.~~ Section 4982.05 of the Business and Professions Code  
35 is repealed.

36 ~~SEC. 40.~~

37 ~~SEC. 59.~~ Section 4984.41 of the Business and Professions Code  
38 is amended to read:

39 4984.41. (a) (1) The board shall issue, upon submission of a  
40 completed application as prescribed by this section and payment

1 of the fee fixed by this chapter, a retired license to a marriage and  
2 family therapist who holds a license that is current and active or  
3 a license that is inactive, and whose license is not suspended,  
4 revoked, or otherwise punitively restricted by the board or subject  
5 to disciplinary action under this chapter.

6 (2) A marriage and family therapist license that has expired  
7 shall be issued a retired license by the board upon submission of  
8 a completed application as prescribed by this section and payment  
9 of the fee fixed by this chapter if both of the following requirements  
10 are met:

11 (A) The license expired within three years from the date of the  
12 board's receipt of a completed application.

13 (B) Immediately preceding the license expiration, and after the  
14 license expiration, the license was not suspended, revoked, or  
15 otherwise punitively restricted by the board or subject to  
16 disciplinary action under this chapter.

17 (3) For purposes of this section, "subject to disciplinary action"  
18 shall mean that the licensee had an unsatisfied cost recovery, fine  
19 or restitution order, an accusation or petition to revoke probation  
20 that has been served on the licensee alleging violations of their  
21 probation or the chapter, or an unresolved complaint or  
22 investigation pending with the board.

23 (b) To apply for a retired license, the applicant shall submit a  
24 completed application to the board providing all of the following  
25 information:

26 (1) Full name as filed with the board.

27 (2) Board license type, license number, and expiration date.

28 (3) Date of birth.

29 (4) Social security number or individual taxpayer identification  
30 number.

31 (5) A statement signed under penalty of perjury that the  
32 information provided on the application is true and correct, that  
33 the applicant understands that the holder of a retired license may  
34 not engage in any activity for which the active license was issued,  
35 and that the applicant hereby requests their license to be changed  
36 to retired status.

37 (c) The holder of a retired license issued pursuant to this section  
38 shall not engage in any activity for which an active marriage and  
39 family therapist license is required.

1 (d) The holder of a retired license shall utilize their professional  
2 title only with the unabbreviated word “retired” directly preceding  
3 or directly following the professional title.

4 (e) The holder of a retired license shall not be required to renew  
5 that license.

6 (f) The holder of a retired license may apply to restore to active  
7 status their license to practice marriage and family therapy if that  
8 retired license was issued less than three years prior to the date the  
9 application to restore the retired license is received by the board.  
10 A retired license may be restored to active status one time only.  
11 To restore a retired license to active status, the applicant shall meet  
12 all of the following requirements:

13 (1) Submit a completed application to the board containing all  
14 of the following information:

15 (A) Full name as filed with the board.

16 (B) Original board license type and original license number and  
17 expiration date.

18 (C) Date of birth.

19 (D) Social security number or individual taxpayer identification  
20 number.

21 (E) Whether they have been convicted, as defined in Section  
22 490, of a misdemeanor or felony, or whether any disciplinary action  
23 has been taken by any regulatory or licensing board in this or any  
24 other state subsequent to the issuance of the retired license.

25 (F) A statement signed under penalty of perjury that the  
26 information provided on the application is true and correct, that  
27 the applicant did not engage in any activity for which an active  
28 license is required while the license was in retired status, and that  
29 the applicant hereby requests their license to be changed to “active”  
30 status.

31 (2) Has not committed an act or crime constituting grounds for  
32 denial of licensure.

33 (3) Pays the renewal fee required by this chapter.

34 (4) Completes the required continuing education as specified  
35 in Section 4980.54.

36 (5) Complies with the fingerprint submission requirements  
37 established in Section 144.

38 (g) An applicant requesting to restore their license pursuant to  
39 subdivision (f) whose retired license was issued in accordance  
40 with this section less than one year from the date the application

1 to restore the retired license is received by the board shall complete  
2 18 hours of continuing education taken within the two years prior  
3 to the date the application to restore the retired license is received  
4 by the board. This coursework shall include a minimum of six  
5 hours in the subject of California law and ethics.

6 (h) An applicant requesting to restore their license pursuant to  
7 subdivision (f) whose retired license was issued in accordance  
8 with this section one or more years from the date the application  
9 to restore the retired license is received by the board shall complete  
10 36 hours of continuing education taken within the two years prior  
11 to the date the application to restore the retired license is received  
12 by the board. This coursework shall include a minimum of six  
13 hours in the subject of California law and ethics.

14 (i) A retired license that was issued three or more years prior  
15 shall not be restored. The holder of the retired license may apply  
16 for and obtain a new license if all of the following criteria are  
17 satisfied:

18 (1) Has not committed an act or crime constituting grounds for  
19 denial of licensure.

20 (2) Applies for licensure and pays the fee required by this  
21 chapter.

22 (3) Passes the examinations required for licensure.

23 (4) Complies with the fingerprint submission requirements  
24 established in Section 144.

25 ~~SEC. 41.~~

26 *SEC. 60.* Section 4984.7 of the Business and Professions Code  
27 is amended to read:

28 4984.7. (a) The board shall assess the following fees relating  
29 to the licensure of marriage and family therapists:

30 (1) The application fee for an associate registration shall be one  
31 hundred fifty dollars (\$150). The board may adopt regulations to  
32 set the fee at a higher amount, up to a maximum of three hundred  
33 dollars (\$300).

34 (2) The annual renewal fee for an associate registration shall be  
35 one hundred fifty dollars (\$150). The board may adopt regulations  
36 to set the fee at a higher amount, up to a maximum of three hundred  
37 dollars (\$300).

38 (3) The fee for the application for licensure shall be two hundred  
39 fifty dollars (\$250). The board may adopt regulations to set the

1 fee at a higher amount, up to a maximum of five hundred dollars  
2 (\$500).

3 (4) (A) (i) The fee for the board-administered clinical  
4 examination, if the board chooses to adopt this examination in  
5 regulations, shall be two hundred fifty dollars (\$250). The board  
6 may adopt regulations to set the fee at a higher amount, up to a  
7 maximum of five hundred dollars (\$500). If the board chooses to  
8 adopt an examination administered by a public or private  
9 organization, as specified by the board in regulations, then the  
10 examination fee shall be determined by, and paid directly to, that  
11 organization.

12 (ii) The fee for the California law and ethics examination shall  
13 be one hundred fifty dollars (\$150). The board may adopt  
14 regulations to set the fee at a higher amount, up to a maximum of  
15 three hundred dollars (\$300).

16 (B) An applicant who fails to appear for an examination, after  
17 having been scheduled to take the examination, shall forfeit the  
18 examination fee.

19 (C) The amount of the examination fees shall be based on the  
20 actual cost to the board of developing, purchasing, and grading  
21 each examination and the actual cost to the board of administering  
22 each examination. The examination fees shall be adjusted  
23 periodically by regulation to reflect the actual costs incurred by  
24 the board.

25 (5) The fee for rescoring an examination shall be twenty dollars  
26 (\$20).

27 (6) The fee for the issuance of an initial license shall be two  
28 hundred dollars (\$200). The board may adopt regulations to set  
29 the fee at a higher amount, up to a maximum of four hundred  
30 dollars (\$400).

31 (7) The fee for the two-year license renewal shall be two  
32 hundred dollars (\$200). The board may adopt regulations to set  
33 the fee at a higher amount, up to a maximum of four hundred  
34 dollars (\$400).

35 (8) The renewal delinquency fee shall be one-half of the fee for  
36 license renewal. A person who permits their license to expire is  
37 subject to the delinquency fee.

38 (9) The fee for issuance of a replacement registration, license,  
39 or certificate shall be twenty dollars (\$20).

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

(11) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) This section shall become operative on January 1, 2021.

~~SEC. 42.~~

*SEC. 61.* Section 4989.20 of the Business and Professions Code is amended to read:

4989.20. (a) The board may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to the board, the following requirements:

(1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent by the board. This degree shall be obtained from an educational institution approved by the board according to the regulations adopted under this chapter.

(2) Attainment of 18 years of age.

(3) Is not subject to denial of licensure pursuant to Section 480.

(4) Successful completion of 60 semester units or 90 quarter units of postgraduate study in pupil personnel services.

(5) Two school terms of full-time, or the equivalent to full-time, experience as a licensed or credentialed school psychologist in the public schools or in another school setting as specified in regulations. The experience shall be gained over a period of at least two school terms. The applicant shall not be credited with experience obtained more than six years immediately preceding the date on which the application for licensure was received by the board.

(6) If the experience required by paragraph (5) was completed while holding a California credential in a school located in California, completion of one of the following:

(A) A minimum of 1,200 hours of supervised professional experience in an accredited school psychology program.

(B) One school term of full-time, or the equivalent to full-time, experience as a California credentialed school psychologist in the California public schools, or in another school setting as specified in regulations, obtained under the direction of a California-licensed educational psychologist. The experience shall be gained over a period of at least one school term. The applicant shall not be credited with experience obtained more than six years immediately



1 preceding the date on which the application for licensure was  
2 received by the board.

3 (7) If the experience required by paragraph (5) was not  
4 completed while holding a California credential in a school located  
5 in California, completion of one of the following:

6 (A) A minimum of 1,200 hours of supervised professional  
7 experience gained in California in an accredited school psychology  
8 program, gained no more than six years immediately preceding  
9 the date on which the application for licensure was received by  
10 the board.

11 (B) One school term of full-time, or the equivalent to full-time,  
12 experience as a California credentialed school psychologist in the  
13 California public schools, or in another school setting as specified  
14 in regulations, obtained under the direction of a California licensed  
15 educational psychologist. The experience shall be gained over a  
16 period of at least one school term. The applicant shall not be  
17 credited with experience obtained more than six years immediately  
18 preceding the date on which the application for licensure was  
19 received by the board.

20 (8) Passage of the licensed educational psychologist written  
21 examination administered by the board. A passing score on this  
22 examination shall be accepted by the board for a period of seven  
23 years from the date the examination was taken.

24 (b) For purposes of this section, the following definitions apply:

25 (1) "Full time" means the days or hours of creditable service  
26 the employer requires to be performed by the employee in a school  
27 term under their collective bargaining agreement or employment  
28 agreement. It shall consist of a minimum of 175 days, or 1,050  
29 hours, per school term.

30 (2) "Equivalent to full time" means the days or hours of  
31 creditable service that a person who is employed on a part-time  
32 basis would be required to perform in a school term if they were  
33 employed full time in that part-time position.

34 (3) "School term" means a minimum period of 35 weeks  
35 beginning the first day and ending the last day creditable service  
36 is required to be performed by a member employed on a full-time  
37 basis, excluding any period that has been excluded pursuant to a  
38 publicly available written contractual agreement. The school term  
39 shall also be the same for an individual who is not employed on a

1 full-time basis who is performing the same duties as a member  
2 employed on a full-time basis.

3 ~~SEC. 43.~~

4 *SEC. 62.* Section 4989.45 of the Business and Professions Code  
5 is amended to read:

6 4989.45. (a) (1) The board shall issue, upon submission of a  
7 completed application as prescribed by this section and payment  
8 of the fee fixed by this chapter, a retired license to a licensed  
9 educational psychologist who holds a license that is current and  
10 active or a license that is inactive, and whose license is not  
11 suspended, revoked, or otherwise punitively restricted by the board  
12 or subject to disciplinary action under this chapter.

13 (2) A licensed educational psychologist license that has expired  
14 shall be issued a retired license by the board upon submission of  
15 a completed application as prescribed by this section and payment  
16 of the fee fixed by this chapter if all of the following requirements  
17 are met:

18 (A) The license expired within three years from the date of the  
19 board's receipt of a completed application.

20 (B) Immediately preceding the license expiration, and after the  
21 license expiration, the license was not suspended, revoked, or  
22 otherwise punitively restricted by the board or subject to  
23 disciplinary action under this chapter.

24 (3) For purposes of this section, "subject to disciplinary action"  
25 shall mean that the licensee had an unsatisfied cost recovery, fine  
26 or restitution order, an accusation or petition to revoke probation  
27 that has been served on the licensee alleging violations of their  
28 probation or the chapter, or an unresolved complaint or  
29 investigation pending with the board.

30 (b) To apply for a retired license, the applicant shall submit a  
31 completed application to the board providing all of the following  
32 information:

33 (1) Full name as filed with the board.

34 (2) Board license type, license number, and expiration date.

35 (3) Date of birth.

36 (4) Social security number or individual taxpayer identification  
37 number.

38 (5) A statement signed under penalty of perjury that the  
39 information provided on the application is true and correct, that  
40 the applicant understands that the holder of a retired license may

1 not engage in any activity for which the active license was issued,  
2 and that the applicant hereby requests their license to be changed  
3 to retired status.

4 (c) The holder of a retired license issued pursuant to this section  
5 shall not engage in any activity for which an active educational  
6 psychologist license is required.

7 (d) The holder of a retired license shall utilize their professional  
8 title only with the unabbreviated word “retired” directly preceding  
9 or directly following the professional title.

10 (e) The holder of a retired license shall not be required to renew  
11 that license.

12 (f) The holder of a retired license may apply to restore to active  
13 status their license to practice educational psychology if that retired  
14 license was issued less than three years prior to the date the  
15 application to restore the retired license is received by the board.  
16 A retired license may be restored to active status one time only.  
17 To restore a retired license to active status, the applicant shall meet  
18 all of the following requirements:

19 (1) Submit a completed application to the board containing all  
20 of the following information:

21 (A) Full name as filed with the board.

22 (B) Original board license type and original license number and  
23 expiration date.

24 (C) Date of birth.

25 (D) Social security number or individual taxpayer identification  
26 number.

27 (E) Whether they have been convicted, as defined in Section  
28 490, of a misdemeanor or felony, or whether any disciplinary action  
29 has been taken by any regulatory or licensing board in this or any  
30 other state subsequent to the issuance of the retired license.

31 (F) A statement signed under penalty of perjury that the  
32 information provided on the application is true and correct, that  
33 the applicant did not engage in any activity for which an active  
34 license is required while the license was in retired status, and that  
35 the applicant hereby requests their license to be changed to “active”  
36 status.

37 (2) Has not committed an act or crime constituting grounds for  
38 denial of licensure.

39 (3) Pays the renewal fee required by this chapter.

1 (4) Completes the required continuing education as specified  
2 in Section 4989.34.

3 (5) Complies with the fingerprint submission requirements  
4 established in Section 144.

5 (g) An applicant requesting to restore their license pursuant to  
6 subdivision (f) whose retired license was issued in accordance  
7 with this section less than one year from the date the application  
8 to restore the retired license is received by the board shall complete  
9 18 hours of continuing education taken within the two years prior  
10 to the date the application to restore the retired license is received  
11 by the board. This coursework shall include a minimum of six  
12 hours in the subject of California law and ethics.

13 (h) An applicant requesting to restore their license pursuant to  
14 subdivision (f) whose retired license was issued in accordance  
15 with this section one or more years from the date the application  
16 to restore the retired license is received by the board shall complete  
17 36 hours of continuing education taken within the two years prior  
18 to the date the application to restore the retired license is received  
19 by the board. This coursework shall include a minimum of six  
20 hours in the subject of California law and ethics.

21 (i) A retired license that was issued three or more years prior  
22 shall not be restored. The holder of the retired license may apply  
23 for and obtain a new license if all of the following criteria are  
24 satisfied:

25 (1) Has not committed an act or crime constituting grounds for  
26 denial of licensure.

27 (2) Applies for licensure and pays the required fee.

28 (3) Passes the examinations required for licensure.

29 (4) Complies with the fingerprint submission requirements  
30 established in Section 144.

31 ~~SEC. 44.~~

32 *SEC. 63.* Section 4989.49 of the Business and Professions Code  
33 is amended to read:

34 4989.49. "Advertising," as used in this chapter, includes, but  
35 is not limited to, any public communication as defined in  
36 subdivision (a) of Section 651, the issuance of any card, sign, or  
37 device to any person, or the causing, permitting, or allowing of  
38 any sign or marking on, or in, any building or structure, or in any  
39 newspaper, magazine, or directory, or any printed matter  
40 whatsoever, with or without any limiting qualification. Signs within

1 religious buildings or notices in bulletins from a religious  
2 organization mailed to a congregation are not advertising within  
3 the meaning of this chapter.

4 ~~SEC. 45.~~

5 *SEC. 64.* Section 4989.54 of the Business and Professions Code  
6 is amended to read:

7 4989.54. The board may deny a license or may suspend or  
8 revoke the license of a licensee if the person has been guilty of  
9 unprofessional conduct. Unprofessional conduct includes, but is  
10 not limited to, the following:

11 (a) Conviction of a crime substantially related to the  
12 qualifications, functions, and duties of an educational psychologist.

13 (1) The record of conviction shall be conclusive evidence only  
14 of the fact that the conviction occurred.

15 (2) The board may inquire into the circumstances surrounding  
16 the commission of the crime in order to fix the degree of discipline  
17 or to determine if the conviction is substantially related to the  
18 qualifications, functions, or duties of a licensee under this chapter.

19 (3) A conviction has the same meaning as defined in Section  
20 7.5.

21 (4) The board may order a license suspended or revoked, or  
22 may decline to issue a license when the time for appeal has elapsed,  
23 or the judgment of conviction has been affirmed on appeal, or  
24 when an order granting probation is made suspending the  
25 imposition of sentence. All actions pursuant to this subdivision  
26 shall be taken pursuant to Division 1.5 (commencing with Section  
27 475).

28 (b) Securing a license by fraud, deceit, or misrepresentation on  
29 an application for licensure submitted to the board, whether  
30 engaged in by an applicant for a license or by a licensee in support  
31 of an application for licensure.

32 (c) Administering to themselves a controlled substance or using  
33 any of the dangerous drugs specified in Section 4022 or an  
34 alcoholic beverage to the extent, or in a manner, as to be dangerous  
35 or injurious to themselves or to any other person or to the public  
36 or to the extent that the use impairs their ability to safely perform  
37 the functions authorized by the license. The board shall deny an  
38 application for a license or revoke the license of any person, other  
39 than one who is licensed as a physician and surgeon, who uses or

1 offers to use drugs in the course of performing educational  
2 psychology.

3 (d) Failure to comply with the procedures set forth in Section  
4 2290.5 when delivering health care via telehealth.

5 (e) Advertising in a manner that is false, fraudulent, misleading,  
6 or deceptive, as defined in Section 651.

7 (f) Violating, attempting to violate, or conspiring to violate any  
8 of the provisions of this chapter or any regulation adopted by the  
9 board.

10 (g) Commission of any dishonest, corrupt, or fraudulent act  
11 substantially related to the qualifications, functions, or duties of a  
12 licensee.

13 (h) Denial of licensure, revocation, suspension, restriction, or  
14 any other disciplinary action imposed by another state or territory  
15 or possession of the United States or by any other governmental  
16 agency, on a license, certificate, or registration to practice  
17 educational psychology or any other healing art. A certified copy  
18 of the disciplinary action, decision, or judgment shall be conclusive  
19 evidence of that action.

20 (i) Revocation, suspension, or restriction by the board of a  
21 license, certificate, or registration to practice as an educational  
22 psychologist, a clinical social worker, professional clinical  
23 counselor, or marriage and family therapist.

24 (j) Failure to keep records consistent with sound clinical  
25 judgment, the standards of the profession, and the nature of the  
26 services being rendered.

27 (k) Gross negligence or incompetence in the practice of  
28 educational psychology.

29 (l) Misrepresentation as to the type or status of a license held  
30 by the licensee or otherwise misrepresenting or permitting  
31 misrepresentation of the licensee's education, professional  
32 qualifications, or professional affiliations to any person or entity.

33 (m) Intentionally or recklessly causing physical or emotional  
34 harm to any client.

35 (n) Engaging in sexual relations with a client or a former client  
36 within two years following termination of professional services,  
37 soliciting sexual relations with a client, or committing an act of  
38 sexual abuse or sexual misconduct with a client or committing an  
39 act punishable as a sexually related crime, if that act or solicitation

1 is substantially related to the qualifications, functions, or duties of  
2 a licensed educational psychologist.

3 (o) Before the commencement of treatment, failing to disclose  
4 to the client or prospective client the fee to be charged for the  
5 professional services or the basis upon which that fee will be  
6 computed.

7 (p) Paying, accepting, or soliciting any consideration,  
8 compensation, or remuneration, whether monetary or otherwise,  
9 for the referral of professional clients.

10 (q) Failing to maintain confidentiality, except as otherwise  
11 required or permitted by law, of all information that has been  
12 received from a client in confidence during the course of treatment  
13 and all information about the client that is obtained from tests or  
14 other means.

15 (r) Performing, holding oneself out as being able to perform,  
16 offering to perform, or permitting any unlicensed person under  
17 supervision to perform, any professional services beyond the scope  
18 of the license authorized by this chapter or beyond the person's  
19 field or fields of competence as established by the person's  
20 education, training, or experience. For purposes of this subdivision,  
21 "unlicensed person" includes, but is not limited to, an applicant  
22 for licensure, an associate, an intern, or a trainee under the Licensed  
23 Marriage and Family Therapist Practice Act (Chapter 13  
24 (commencing with Section 4980)), the Clinical Social Worker  
25 Practice Act (Chapter 14 (commencing with Section 4991)), or  
26 the Licensed Professional Clinical Counselor Act (Chapter 16  
27 (commencing with Section 4999.10)).

28 (s) Reproducing or describing in public, or in any publication  
29 subject to general public distribution, any psychological test or  
30 other assessment device the value of which depends in whole or  
31 in part on the naivete of the subject in ways that might invalidate  
32 the test or device. An educational psychologist shall limit access  
33 to the test or device to persons with professional interests who can  
34 be expected to safeguard its use.

35 (t) Aiding or abetting an unlicensed person to engage in conduct  
36 requiring a license under this chapter.

37 (u) When employed by another person or agency, encouraging,  
38 either orally or in writing, the employer's or agency's clientele to  
39 utilize the person's private practice for further counseling without  
40 the approval of the employing agency or administration.

1 (v) Failing to comply with the child abuse reporting  
2 requirements of Section 11166 of the Penal Code.

3 (w) Failing to comply with the elder and adult dependent abuse  
4 reporting requirements of Section 15630 of the Welfare and  
5 Institutions Code.

6 (x) Willful violation of Chapter 1 (commencing with Section  
7 123100) of Part 1 of Division 106 of the Health and Safety Code.

8 (y) (1) Engaging in an act described in Section 261, 286, 287,  
9 or 289 of, or former Section 288a of, the Penal Code with a minor  
10 or an act described in Section 288 or 288.5 of the Penal Code  
11 regardless of whether the act occurred prior to or after the time the  
12 registration or license was issued by the board. An act described  
13 in this subdivision occurring prior to the effective date of this  
14 subdivision shall constitute unprofessional conduct and shall  
15 subject the licensee to refusal, suspension, or revocation of a license  
16 under this section.

17 (2) The Legislature hereby finds and declares that protection of  
18 the public, and in particular minors, from sexual misconduct by a  
19 licensee is a compelling governmental interest, and that the ability  
20 to suspend or revoke a license for sexual conduct with a minor  
21 occurring prior to the effective date of this section is equally  
22 important to protecting the public as is the ability to refuse a license  
23 for sexual conduct with a minor occurring prior to the effective  
24 date of this section.

25 (z) Engaging in any conduct that subverts or attempts to subvert  
26 any licensing examination or the administration of the examination  
27 as described in Section 123.

28 (aa) Impersonation of another by any licensee or applicant for  
29 a license, or, in the case of a licensee, allowing any other person  
30 to use the person's license.

31 (ab) Permitting an unlicensed person under the licensee's  
32 supervision or control to perform, or permitting that person to hold  
33 themselves out as competent to perform, mental health services  
34 beyond the unlicensed person's level of education, training, or  
35 experience. For purposes of this subdivision, "unlicensed person"  
36 is defined in subdivision (r).

37 (ac) The violation of any statute or regulation governing the  
38 gaining and supervision of experience of an unlicensed person,  
39 including an unlicensed person identified in subdivision (ab), by  
40 a licensee that violates this chapter, the Licensed Marriage and



Family Therapist Practice Act (Chapter 13 (commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)), or any rules or regulations adopted by the board pursuant to those provisions. For purposes of this subdivision, “unlicensed person” is defined in subdivision (r).

(ad) The violation of any statute or regulation governing the gaining and supervision of experience of an unlicensed person required by the Licensed Marriage and Family Therapist Practice Act (Chapter 13 (commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), or the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)).

~~SEC. 46.~~

SEC. 65. Section 4990 of the Business and Professions Code is amended to read:

4990. (a) There is in the Department of Consumer Affairs, a Board of Behavioral Sciences that consists of the following members:

- (1) Two state licensed clinical social workers.
- (2) One state licensed educational psychologist.
- (3) Two state licensed marriage and family therapists.
- (4) One state licensed professional clinical counselor.
- (5) Seven public members.

(b) Each member, except the seven public members, shall have at least two years of experience in their profession.

(c) Each member shall reside in the State of California.

(d) The Governor shall appoint five of the public members and the six licensed members with the advice and consent of the Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Senate Committee on Rules or the Speaker of the Assembly shall hold office until the appointment and qualification of their successor or until one year from the expiration date of the term for which they were appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of their successor or until 60

1 days from the expiration date of the term for which they were  
2 appointed, whichever first occurs.

3 (f) A vacancy on the board shall be filled by appointment for  
4 the unexpired term by the authority who appointed the member  
5 whose membership was vacated.

6 (g) Not later than the first of June of each calendar year, the  
7 board shall elect a chairperson and a vice chairperson from its  
8 membership.

9 (h) Each member of the board shall receive a per diem and  
10 reimbursement of expenses as provided in Section 103.

11 (i) This section shall remain in effect only until January 1, 2030,  
12 and as of that date is repealed.

13 ~~SEC. 47.~~

14 *SEC. 66.* Section 4990.01 is added to the Business and  
15 Professions Code, to read:

16 4990.01. Notwithstanding any other provision of law, the repeal  
17 of Section 4990 renders the board subject to review by the  
18 appropriate policy committees of the Legislature.

19 ~~SEC. 48.~~

20 *SEC. 67.* Section 4990.04 of the Business and Professions Code  
21 is amended to read:

22 4990.04. (a) The board shall appoint an executive officer. This  
23 position is designated as a confidential position and is exempt from  
24 civil service under subdivision (e) of Section 4 of Article VII of  
25 the California Constitution.

26 (b) The executive officer serves at the pleasure of the board.

27 (c) The executive officer shall exercise the powers and perform  
28 the duties delegated by the board and vested in them by this  
29 chapter.

30 (d) With the approval of the director, the board shall fix the  
31 salary of the executive officer.

32 (e) The chairperson and executive officer may call meetings of  
33 the board and any duly appointed committee at a specified time  
34 and place. For purposes of this section, “call meetings” means  
35 setting the agenda, time, date, or place for any meeting of the board  
36 or any committee.

37 (f) This section shall remain in effect only until January 1, 2030,  
38 and as of that date is repealed.

~~SEC. 49.~~

*SEC. 68.* Section 4992.2 of the Business and Professions Code is amended to read:

4992.2. “Advertising,” as used in this chapter, includes, but is not limited to, any public communication as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper, magazine, or directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in bulletins from a religious organization mailed to a congregation are not advertising within the meaning of this chapter.

~~SEC. 50.~~

*SEC. 69.* Section 4992.3 of the Business and Professions Code is amended to read:

4992.3. The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A conviction has the same meaning as defined in Section 7.5. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence. All actions pursuant to this subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475).

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a

1 license or registration, or by a licensee in support of any application  
2 for licensure or registration.

3 (c) Administering to themselves any controlled substance or  
4 using any of the dangerous drugs specified in Section 4022 or any  
5 alcoholic beverage to the extent, or in a manner, as to be dangerous  
6 or injurious to the person applying for a registration or license or  
7 holding a registration or license under this chapter, or to any other  
8 person, or to the public, or, to the extent that the use impairs the  
9 ability of the person applying for or holding a registration or license  
10 to conduct with safety to the public the practice authorized by the  
11 registration or license. The board shall deny an application for a  
12 registration or license or revoke the license or registration of any  
13 person who uses or offers to use drugs in the course of performing  
14 clinical social work. This provision does not apply to any person  
15 also licensed as a physician and surgeon under Chapter 5  
16 (commencing with Section 2000) or the Osteopathic Act who  
17 lawfully prescribes drugs to a patient under the person's care.

18 (d) Incompetence in the performance of clinical social work.

19 (e) An act or omission that falls sufficiently below the standard  
20 of conduct of the profession as to constitute an act of gross  
21 negligence.

22 (f) Violating, attempting to violate, or conspiring to violate this  
23 chapter or any regulation adopted by the board.

24 (g) Misrepresentation as to the type or status of a license or  
25 registration held by the licensee or registrant or otherwise  
26 misrepresenting or permitting misrepresentation of the licensee's  
27 or registrant's education, professional qualifications, or professional  
28 affiliations to any person or entity. For purposes of this subdivision,  
29 this misrepresentation includes, but is not limited to,  
30 misrepresentation of the person's qualifications as an adoption  
31 service provider pursuant to Section 8502 of the Family Code.

32 (h) Impersonation of another by any licensee, registrant, or  
33 applicant for a license or registration, or, in the case of a licensee  
34 or registrant, allowing any other person to use the licensee's or  
35 registrant's license or registration.

36 (i) Aiding or abetting, or employing, directly or indirectly, any  
37 unlicensed or unregistered person to engage in conduct for which  
38 a license or registration is required under this chapter.

39 (j) Intentionally or recklessly causing physical or emotional  
40 harm to any client.

1 (k) The commission of any dishonest, corrupt, or fraudulent act  
2 substantially related to the qualifications, functions, or duties of a  
3 licensee or registrant.

4 (l) Engaging in sexual relations with a client or with a former  
5 client within two years from the termination date of therapy with  
6 the client, soliciting sexual relations with a client, or committing  
7 an act of sexual abuse, or sexual misconduct with a client, or  
8 committing an act punishable as a sexually related crime, if that  
9 act or solicitation is substantially related to the qualifications,  
10 functions, or duties of a clinical social worker.

11 (m) Performing, or holding oneself out as being able to perform,  
12 or offering to perform or permitting, any registered associate,  
13 trainee, or applicant for licensure under supervision to perform  
14 any professional services beyond the scope of the license authorized  
15 by this chapter.

16 (n) Failure to maintain confidentiality, except as otherwise  
17 required or permitted by law, of all information that has been  
18 received from a client in confidence during the course of treatment  
19 and all information about the client that is obtained from tests or  
20 other means.

21 (o) Prior to the commencement of treatment, failing to disclose  
22 to the client or prospective client the fee to be charged for the  
23 professional services, or the basis upon which that fee will be  
24 computed.

25 (p) Paying, accepting, or soliciting any consideration,  
26 compensation, or remuneration, whether monetary or otherwise,  
27 for the referral of professional clients. All consideration,  
28 compensation, or remuneration shall be in relation to professional  
29 counseling services actually provided by the licensee. This  
30 subdivision does not prevent collaboration among two or more  
31 licensees in a case or cases. However, no fee shall be charged for  
32 that collaboration, except when disclosure of the fee has been made  
33 in compliance with subdivision (o).

34 (q) Advertising in a manner that is false, fraudulent, misleading,  
35 or deceptive, as defined in Section 651.

36 (r) Reproduction or description in public, or in any publication  
37 subject to general public distribution, of any psychological test or  
38 other assessment device, the value of which depends in whole or  
39 in part on the naivete of the subject, in ways that might invalidate  
40 the test or device. A licensee shall limit access to that test or device

1 to persons with professional interest who are expected to safeguard  
2 its use.

3 (s) Any conduct in the supervision of any registered associate,  
4 trainee, or applicant for licensure by any licensee that violates this  
5 chapter or any rules or regulations adopted by the board.

6 (t) Performing or holding oneself out as being able to perform  
7 mental health services beyond the scope of one's competence, as  
8 established by one's education, training, or experience. This  
9 subdivision shall not be construed to expand the scope of the  
10 license authorized by this chapter.

11 (u) Permitting an applicant for licensure, trainee, or registrant  
12 under one's supervision or control to perform, or permitting the  
13 supervisee to hold themselves out as competent to perform, mental  
14 health services beyond the supervisee's level of education, training,  
15 or experience.

16 (v) The violation of any law governing the gaining or  
17 supervision of experience required by this chapter.

18 (w) Failure to keep records consistent with sound clinical  
19 judgment, the standards of the profession, and the nature of the  
20 services being rendered.

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

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

26 (z) Willful violation of Chapter 1 (commencing with Section  
27 123100) of Part 1 of Division 106 of the Health and Safety Code.

28 (aa) Failure to comply with the procedures set forth in Section  
29 2290.5 when delivering health care via telehealth.

30 (ab) (1) Engaging in an act described in Section 261, 286, 287,  
31 or 289 of, or former Section 288a of, the Penal Code with a minor  
32 or an act described in Section 288 or 288.5 of the Penal Code  
33 regardless of whether the act occurred prior to or after the time the  
34 registration or license was issued by the board. An act described  
35 in this subdivision occurring prior to the effective date of this  
36 subdivision shall constitute unprofessional conduct and shall  
37 subject the licensee to refusal, suspension, or revocation of a license  
38 under this section.

39 (2) The Legislature hereby finds and declares that protection of  
40 the public, and in particular minors, from sexual misconduct by a

1 licensee is a compelling governmental interest, and that the ability  
2 to suspend or revoke a license for sexual conduct with a minor  
3 occurring prior to the effective date of this section is equally  
4 important to protecting the public as is the ability to refuse a license  
5 for sexual conduct with a minor occurring prior to the effective  
6 date of this section.

7 (ac) Engaging in any conduct that subverts or attempts to subvert  
8 any licensing examination or the administration of the examination  
9 as described in Section 123.

10 ~~SEC. 51.~~

11 *SEC. 70.* Section 4996.16.1 of the Business and Professions  
12 Code is amended to read:

13 4996.16.1. (a) Notwithstanding Section 4996, a person who  
14 holds a license in another jurisdiction of the United States as a  
15 clinical social worker may provide clinical social work services  
16 in this state for a period not to exceed 30 consecutive days in any  
17 calendar year, if all of the following conditions are met:

18 (1) The license from another jurisdiction is at the highest level  
19 for independent clinical practice in the jurisdiction in which the  
20 license was granted.

21 (2) The license from another jurisdiction is current, active, and  
22 unrestricted.

23 (3) The client is located in California during the time the person  
24 seeks to provide care in California.

25 (4) The client is a current client of the person and has an  
26 established, ongoing client-provider relationship with the person  
27 at the time the client became located in California.

28 (5) The person informs the client of the limited timeframe of  
29 the services and that the person is not licensed in California.

30 (6) The person provides the client with the Board of Behavioral  
31 Sciences' internet website address.

32 (7) The person informs the client of the jurisdiction in which  
33 the person is licensed and the type of license held and provides  
34 the client with the person's license number.

35 (b) A person who intends to provide clinical social work services  
36 pursuant to this section shall provide the board with all of the  
37 following information before providing services:

38 (1) The name under which the person is licensed in another  
39 jurisdiction, the person's mailing address, the person's phone  
40 number, the person's social security number or individual taxpayer

1 identification number, and the person's electronic mailing address,  
2 if the person has an electronic mailing address.

3 (2) The jurisdiction in which the person is licensed, the type of  
4 license held, and the license number.

5 (3) The date on which the person will begin providing clinical  
6 social work services to the person's client in California.

7 (c) A person who provides services pursuant to this section is  
8 ~~deemed to have agreed, and attested under penalty of perjury, to~~  
9 ~~practicing under the jurisdiction of the board and shall submit a~~  
10 ~~signed statement, under penalty of perjury, acknowledging that~~  
11 ~~they are subject to the jurisdiction of the board and agreeing to~~  
12 ~~be bound by the laws of this state.~~

13 (d) This section does not apply to any person licensed by the  
14 board whose license has been suspended or revoked.

15 (e) This section shall remain in effect only until January 1, 2030,  
16 and as of that date is repealed.

17 ~~SEC. 52.~~

18 *SEC. 71.* Section 4996.23.1 of the Business and Professions  
19 Code, as amended by Section 8 of Chapter 160 of the Statutes of  
20 2024, is amended to read:

21 4996.23.1. (a) Except for experience gained by attending  
22 workshops, seminars, training sessions, or conferences, as  
23 described in paragraph (3) of subdivision (d) of Section 4996.23,  
24 direct supervisor contact shall occur as follows:

25 (1) Supervision shall include at least one hour of direct  
26 supervisor contact each week for which experience is credited in  
27 each work setting.

28 (2) An associate gaining experience who performs more than  
29 10 hours of services pursuant to paragraph (2) of subdivision (d)  
30 of Section 4996.23 in a week in any setting shall receive at least  
31 one additional hour of direct supervisor contact for that setting.

32 (b) (1) For purposes of this chapter, "one hour of direct  
33 supervisor contact" means any of the following:

34 (A) Individual supervision, which means one hour of  
35 face-to-face contact between one supervisor and one person  
36 receiving supervision for providing clinical mental health services.

37 (B) Triadic supervision, which means one hour of face-to-face  
38 contact between one supervisor and two persons receiving  
39 supervision for providing clinical mental health services.



1 (C) Group supervision, which means two hours of face-to-face  
2 contact between one supervisor and no more than eight persons  
3 receiving supervision for providing clinical mental health services.  
4 Segments of group supervision may be split into no less than one  
5 continuous hour. A supervisor shall ensure that the amount and  
6 degree of supervision is appropriate for each person in the group.

7 (2) For purposes of this subdivision, “face-to-face contact”  
8 means in-person contact, contact via two-way, real-time  
9 videoconferencing, or some combination of these.

10 (c) The supervisor shall be responsible for ensuring compliance  
11 with federal and state laws relating to confidentiality of patient  
12 health information.

13 (d) (1) Within 60 days of the commencement of supervision,  
14 a supervisor shall conduct a meeting with the supervisee during  
15 which the supervisor shall assess the appropriateness of allowing  
16 the supervisee to receive supervision via two-way, real-time  
17 videoconferencing. This assessment of appropriateness shall  
18 include, but is not limited to, the abilities of the supervisee, the  
19 preferences of both the supervisee and supervisor, and the privacy  
20 of the locations of the supervisee and supervisor while supervision  
21 is conducted.

22 (2) The supervisor shall document the results of the assessment  
23 made pursuant to paragraph (1), and shall not utilize supervision  
24 via two-way, real-time videoconferencing if their assessment finds  
25 it is not appropriate.

26 (e) Direct supervisor contact shall occur within the same week  
27 as the hours claimed.

28 (f) Of the 104 weeks of required supervision, 52 weeks shall be  
29 individual supervision, triadic supervision, or a combination of  
30 both.

31 (g) Of the 52 weeks of required individual or triadic supervision,  
32 no less than 13 weeks shall be supervised by a licensed clinical  
33 social worker.

34 (h) Alternative supervision may be arranged during a  
35 supervisor’s vacation or sick leave if the alternative supervision  
36 meets the requirements of this chapter.

37 (i) Notwithstanding any other law, once the required number  
38 of experience hours are gained, an associate clinical social worker  
39 or applicant for licensure shall receive a minimum of one hour of  
40 direct supervisor contact per week for each practice setting in

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

5 ~~SEC. 53.~~

6 *SEC. 72.* Section 4996.23.1 of the Business and Professions  
7 Code, as amended by Section 9 of Chapter 160 of the Statutes of  
8 2024, is repealed.

9 ~~SEC. 54.~~

10 *SEC. 73.* Section 4996.23.2 of the Business and Professions  
11 Code is amended to read:

12 4996.23.2. (a) An associate clinical social worker or applicant  
13 for licensure shall only perform mental health and related services  
14 as an employee or as a volunteer, not as an independent contractor.  
15 The requirements of this chapter regarding hours of experience  
16 and supervision shall apply equally to employees and volunteers.  
17 An associate or applicant for licensure shall not perform any  
18 services or gain any experience within the scope of practice of the  
19 profession, as defined in Section 4996.9, as an independent  
20 contractor. While an associate may be either a paid employee or  
21 a volunteer, employers are encouraged to provide fair remuneration.

22 (1) If employed, an associate shall provide the board, upon  
23 application for licensure, with copies of the corresponding W-2  
24 tax forms for each year of experience claimed. For experience  
25 gained during a tax year that has not ended by the date the  
26 associate's application for licensure is received by the board, the  
27 associate shall provide the board with a copy of their most recent  
28 pay stub.

29 (2) If volunteering, an associate shall provide the board, upon  
30 application for licensure, with a letter from their employer verifying  
31 the associate's status as a volunteer during the dates the experience  
32 was gained.

33 (b) Employment in a private practice or professional corporation  
34 shall not commence until the applicant has been registered as an  
35 associate clinical social worker.

36 (c) Experience shall only be gained in a setting that meets both  
37 of the following:

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

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 (d) Only experience gained in the position for which the  
6 associate clinical social worker volunteers or is employed shall  
7 qualify as supervised experience.

8 (e) Any experience obtained under the supervision of a spouse  
9 or relative by blood or marriage shall not be credited toward the  
10 required hours of supervised experience. Any experience obtained  
11 under the supervision of a supervisor with whom the applicant has  
12 had or currently has a personal, professional, or business  
13 relationship that undermines the authority or effectiveness of the  
14 supervision shall not be credited toward the required hours of  
15 supervised experience.

16 (f) An associate clinical social worker or applicant for licensure  
17 who provides voluntary services in any lawful work setting and  
18 who only receives reimbursement for expenses actually incurred  
19 shall be considered an employee. The board may audit an applicant  
20 for licensure who receives reimbursement for expenses and the  
21 applicant shall have the burden of demonstrating that the payments  
22 received were for reimbursement of expenses actually incurred.

23 (g) An associate clinical social worker or applicant for licensure  
24 who receives a stipend or educational loan repayment from a  
25 program designed to encourage demographically underrepresented  
26 groups to enter the profession or to improve recruitment and  
27 retention in underserved regions or settings shall be considered an  
28 employee. The board may audit an applicant who receives a stipend  
29 or educational loan repayment and the applicant shall have the  
30 burden of demonstrating that the payments received were for the  
31 specified purposes.

32 (h) An associate or applicant for licensure shall not receive any  
33 remuneration from patients or clients and shall only be paid by  
34 their employer, if an employee.

35 (i) An associate or applicant for licensure shall have no  
36 proprietary interest in their employer's business and shall not lease  
37 or rent space, pay for furnishings, equipment, or supplies, or in  
38 any other way pay for the obligations of their employer.

39 (j) An associate may provide services via telehealth that are in  
40 the scope of practice as outlined in this chapter.

(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 their 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.

~~SEC. 55.~~

*SEC. 74.* Section 4997.1 of the Business and Professions Code is amended to read:

4997.1. (a) (1) The board shall issue, upon submission of a completed application as prescribed by this section and payment of the fee fixed by this chapter, a retired license to a licensed clinical social worker who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(2) A clinical social worker license that has expired shall be issued a retired license by the board upon submission of a completed application as prescribed by this section and payment of the fee fixed by this chapter if all of the following requirements are met:

(A) The license expired within three years from the date of the board's receipt of a completed application.

(B) Immediately preceding the license expiration, and after the license expiration, the license was not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(3) For purposes of this section, "subject to disciplinary action" shall mean that the licensee had an unsatisfied cost recovery, fine or restitution order, an accusation or petition to revoke probation that has been served on the licensee alleging violations of their probation or the chapter, or an unresolved complaint or investigation pending with the board.

(b) To apply for a retired license, the applicant shall submit a completed application to the board providing all of the following information:

- 1 (1) Full name as filed with the board.
- 2 (2) Board license type, license number, and expiration date.
- 3 (3) Date of birth.
- 4 (4) Social security number or individual taxpayer identification
- 5 number.

6 (5) A statement signed under penalty of perjury that the  
7 information provided on the application is true and correct, that  
8 the applicant understands that the holder of a retired license may  
9 not engage in any activity for which the active license was issued,  
10 and that the applicant hereby requests their license to be changed  
11 to retired status.

12 (c) The holder of a retired license issued pursuant to this section  
13 shall not engage in any activity for which an active clinical social  
14 worker license is required.

15 (d) The holder of a retired license shall utilize their professional  
16 title only with the unabbreviated word “retired” directly preceding  
17 or directly following the professional title.

18 (e) The holder of a retired license shall not be required to renew  
19 that license.

20 (f) The holder of a retired license may apply to restore to active  
21 status their license to practice clinical social work if that retired  
22 license was issued less than three years prior to the date the  
23 application to restore the retired license is received by the board.  
24 A retired license may be restored to active status one time only.  
25 To restore a retired license to active status, the applicant shall meet  
26 all of the following requirements:

27 (1) Submits a completed application to the board containing all  
28 of the following information:

29 (A) Full name as filed with the board.

30 (B) Original board license type and original license number and  
31 expiration date.

32 (C) Date of birth.

33 (D) Social security number or individual taxpayer identification  
34 number.

35 (E) Whether they have been convicted, as defined in Section  
36 490, of a misdemeanor or felony, or whether any disciplinary action  
37 has been taken by any regulatory or licensing board in this or any  
38 other state, subsequent to the issuance of the retired license.

39 (F) A statement signed under penalty of perjury that the  
40 information provided on the application is true and correct, that

1 the applicant did not engage in any activity for which an active  
2 license is required while the license was in retired status, and that  
3 the applicant hereby requests their license to be changed to “active”  
4 status.

5 (2) Has not committed an act or crime constituting grounds for  
6 denial of licensure.

7 (3) Pays the required renewal fee.

8 (4) Completes the required continuing education as specified  
9 in Section 4996.22.

10 (5) Complies with the fingerprint submission requirements  
11 established in Section 144.

12 (g) An applicant requesting to restore their license pursuant to  
13 subdivision (f) whose retired license was issued in accordance  
14 with this section less than one year from the date the application  
15 to restore the retired license is received by the board shall complete  
16 18 hours of continuing education taken within the two years prior  
17 to the date the application to restore the retired license is received  
18 by the board. The coursework shall include a minimum of six hours  
19 in the subject of California law and ethics.

20 (h) An applicant requesting to restore their license pursuant to  
21 subdivision (f) whose retired license was issued in accordance  
22 with this section one or more years from the date the application  
23 to restore the retired license is received by the board shall complete  
24 36 hours of continuing education taken within the two years prior  
25 to the date the application to restore the retired license is received  
26 by the board. This coursework shall include a minimum of six  
27 hours in the subject of California law and ethics.

28 (i) A retired license that was issued three or more years prior  
29 shall not be restored. The holder of the retired license may apply  
30 for and obtain a new license if all of the following criteria are  
31 satisfied:

32 (1) Has not committed an act or crime constituting grounds for  
33 denial of licensure.

34 (2) Applies for licensure and pays the required fees.

35 (3) Passes the examinations required for licensure.

36 (4) Complies with the fingerprint submission requirements  
37 established in Section 144.

38 ~~SEC. 56.~~

39 *SEC. 75.* Section 4999.12 of the Business and Professions Code  
40 is amended to read:

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  
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.

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 is registered with the board.

19     (g) “Clinical counselor trainee” means an unlicensed person  
20 who is currently enrolled in a master’s or doctoral degree program,  
21 as specified in Section 4999.32 or 4999.33, that is designed to  
22 qualify the person for licensure and who has completed no less  
23 than 12 semester units or 18 quarter units of coursework in any  
24 qualifying degree program.

25     (h) “Supervisor” means an individual who meets all of the  
26 following requirements:

27     (1) Has held an active license for at least two years within the  
28 five-year period immediately preceding any supervision as either:

29     (A) A licensed professional clinical counselor, licensed marriage  
30 and family therapist, psychologist licensed pursuant to Chapter  
31 6.6 (commencing with Section 2900), licensed clinical social  
32 worker, licensed educational psychologist, or equivalent  
33 out-of-state license. A licensed educational psychologist may only  
34 supervise the provision of educationally related mental health  
35 services that are consistent with the scope of practice of an  
36 educational psychologist, as specified in Section 4989.14.

37     (B) A physician and surgeon who is certified in psychiatry by  
38 the American Board of Psychiatry and Neurology, or an out-of-state  
39 licensed physician and surgeon who is certified in psychiatry by  
40 the American Board of Psychiatry and Neurology.

(2) For at least two years within the five-year period immediately preceding any supervision, has practiced psychotherapy, provided psychological counseling pursuant to paragraph (5) of subdivision (a) of Section 4989.14, or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, clinical social worker, or licensed educational psychologist 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.

(i) “Client centered advocacy” includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

(j) “Advertising,” as used in this chapter, includes, but is not limited to, any public communication as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper, magazine, or directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings



1 or notices in bulletins from a religious organization mailed to a  
2 congregation are not advertising within the meaning of this chapter.

3 (k) “Referral” means evaluating and identifying the needs of a  
4 client to determine whether it is advisable to refer the client to  
5 other specialists, informing the client of that judgment, and  
6 communicating that determination as requested or deemed  
7 appropriate to referral sources.

8 (l) “Research” means a systematic effort to collect, analyze, and  
9 interpret quantitative and qualitative data that describes how social  
10 characteristics, behavior, emotion, cognitions, disabilities, mental  
11 disorders, and interpersonal transactions among individuals and  
12 organizations interact.

13 (m) “Supervision” means responsibility for, and control of, the  
14 quality of mental health and related services provided by the  
15 supervisee. Consultation or peer discussion shall not be considered  
16 supervision and shall not qualify as supervised experience.  
17 Supervision includes, but is not limited to, all of the following:

18 (1) Ensuring the extent, kind, and quality of counseling  
19 performed is consistent with the education, training, and experience  
20 of the supervisee.

21 (2) Monitoring and evaluating the supervisee’s assessment,  
22 diagnosis, and treatment decisions and providing regular feedback.

23 (3) Monitoring and evaluating the supervisee’s ability to provide  
24 services at the site or sites where the supervisee is practicing and  
25 to the particular clientele being served.

26 (4) Monitoring and addressing clinical dynamics, including, but  
27 not limited to, countertransference-, intrapsychic-, interpersonal-,  
28 or trauma-related issues that may affect the supervisory or the  
29 practitioner-patient relationship.

30 (5) Ensuring the supervisee’s compliance with laws and  
31 regulations governing the practice of licensed professional clinical  
32 counseling.

33 (6) Reviewing the supervisee’s progress notes, process notes,  
34 and other patient treatment records, as deemed appropriate by the  
35 supervisor.

36 (7) With the client’s written consent, providing direct  
37 observation or review of audio or video recordings of the  
38 supervisee’s counseling or therapy, as deemed appropriate by the  
39 supervisor.

(n) “Clinical setting” means any setting that meets both of the following requirements:

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

(2) Provides oversight to ensure that the associate’s work meets the experience and supervision requirements set forth in this chapter and in regulation and is within the scope of practice of the profession.

~~SEC. 57.~~

*SEC. 76.* Section 4999.23 of the Business and Professions Code is amended to read:

4999.23. (a) Notwithstanding Section 4999.30, a person who holds a license in another jurisdiction of the United States as a professional clinical counselor may provide professional clinical counseling services in this state for a period not to exceed 30 consecutive days in any calendar year, if all of the following conditions are met:

(1) The license from another jurisdiction is at the highest level for independent clinical practice in the jurisdiction in which the license was granted.

(2) The license from another jurisdiction is current, active, and unrestricted.

(3) The client is located in California during the time the person seeks to provide care in California.

(4) The client is a current client of the person and has an established, ongoing client-provider relationship with the person at the time the client became located in California.

(5) The person informs the client of the limited timeframe of the services and that the person is not licensed in California.

(6) The person provides the client with the Board of Behavioral Sciences’ internet website address.

(7) The person informs the client of the jurisdiction in which the person is licensed and the type of license held and provides the client with the person’s license number.

(b) A person who intends to provide professional clinical counseling services pursuant to this section shall provide the board with all of the following information before providing services:

(1) The name under which the person is licensed in another jurisdiction, the person’s mailing address, the person’s phone number, the person’s social security number or individual taxpayer

1 identification number, and the person's electronic mailing address,  
2 if the person has an electronic mailing address.

3 (2) The jurisdiction in which the person is licensed, the type of  
4 license held, and the license number.

5 (3) The date on which the person will begin providing  
6 professional clinical counseling services to the person's client in  
7 California.

8 (c) A person who provides services pursuant to this section is  
9 ~~deemed to have agreed, and attested under penalty of perjury, to~~  
10 ~~practicing under the jurisdiction of the board and shall submit a~~  
11 ~~signed statement, under penalty of perjury, acknowledging that~~  
12 ~~they are subject to the jurisdiction of the board and agreeing to~~  
13 ~~be bound by the laws of this state.~~

14 (d) This section does not apply to any person licensed by the  
15 board whose license has been suspended or revoked.

16 (e) This section shall remain in effect only until January 1, 2030,  
17 and as of that date is repealed.

18 ~~SEC. 58.~~

19 SEC. 77. Section 4999.46.2 of the Business and Professions  
20 Code, as amended by Section 14 of Chapter 160 of the Statutes of  
21 2024, is amended to read:

22 4999.46.2. (a) Except for experience gained by attending  
23 workshops, seminars, training sessions, or conferences, as  
24 described in paragraph (4) of subdivision (c) of Section 4999.46,  
25 direct supervisor contact shall occur as follows:

26 (1) Supervision shall include at least one hour of direct  
27 supervisor contact in each week for which experience is credited  
28 in each work setting.

29 (2) A trainee shall receive an average of at least one hour of  
30 direct supervisor contact for every five hours of direct clinical  
31 counseling performed each week in each setting. ~~For experience~~  
32 ~~gained after January 1, 2009, no more than six hours of supervision,~~  
33 ~~whether individual, triadic, or group, shall be credited during any~~  
34 ~~single week.~~

35 (3) An associate gaining experience who performs more than  
36 10 hours of direct clinical counseling in a week in any setting shall  
37 receive at least one additional hour of direct supervisor contact for  
38 that setting. *For experience gained after January 1, 2009, no more*  
39 *than six hours of supervision, whether individual supervision,*

1 *triadic supervision, or group supervision, shall be credited during*  
2 *any single week.*

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

6 (b) (1) For purposes of this chapter, “one hour of direct  
7 supervisor contact” means any of the following:

8 (A) Individual supervision, which means one hour of  
9 face-to-face contact between one supervisor and one person  
10 receiving supervision for providing clinical mental health services.

11 (B) Triadic supervision, which means one hour of face-to-face  
12 contact between one supervisor and two persons receiving  
13 supervision for providing clinical mental health services.

14 (C) Group supervision, which means two hours of face-to-face  
15 contact between one supervisor and no more than eight persons  
16 receiving supervision for providing clinical mental health services.  
17 Segments of group supervision may be split into no less than one  
18 continuous hour. The supervisor shall ensure that the amount and  
19 degree of supervision is appropriate for each person in the group.

20 (2) For purposes of this subdivision, “face-to-face contact”  
21 means in-person contact, contact via two-way, real-time  
22 videoconferencing, or some combination of these.

23 (c) The supervisor shall be responsible for ensuring compliance  
24 with federal and state laws relating to confidentiality of patient  
25 health information.

26 (d) (1) Within 60 days of the commencement of supervision,  
27 a supervisor shall conduct a meeting with the supervisee during  
28 which the supervisor shall assess the appropriateness of allowing  
29 the supervisee to receive supervision via two-way, real-time  
30 videoconferencing. This assessment of appropriateness shall  
31 include, but is not limited to, the abilities of the supervisee, the  
32 preferences of both the supervisee and supervisor, and the privacy  
33 of the locations of the supervisee and supervisor while supervision  
34 is conducted.

35 (2) The supervisor shall document the results of the assessment  
36 made pursuant to paragraph (1), and shall not utilize supervision  
37 via two-way, real-time videoconferencing if their assessment finds  
38 it is not appropriate.

39 (e) Direct supervisor contact shall occur within the same week  
40 as the hours claimed.

(f) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter.

(g) 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 (4) of subdivision (c) of Section 4999.46, shall be at the supervisor's discretion.

~~SEC. 59.~~

*SEC. 78.* Section 4999.46.2 of the Business and Professions Code, as amended by Section 15 of Chapter 160 of the Statutes of 2024, is repealed.

~~SEC. 60.~~

*SEC. 79.* Section 4999.46.3 of the Business and Professions Code is amended to read:

4999.46.3. (a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A clinical counselor trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4999.20, as an independent contractor. 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, upon application for licensure, with copies of the corresponding W-2 tax forms for each year of experience claimed. For experience gained during a tax year that has not ended by the date the associate's application for licensure is received by the board, the associate shall provide the board with a copy of their most recent pay stub.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from their employer verifying the associate's status as a volunteer during the dates the experience was gained.

1 (b) A clinical counselor trainee shall not perform services in a  
2 private practice or professional corporation.

3 (c) A trainee shall complete the required predegree supervised  
4 practicum or field study experience in a setting that meets all of  
5 the following requirements:

6 (1) Is not a private practice or a professional corporation.

7 (2) Lawfully and regularly provides mental health counseling  
8 or psychotherapy.

9 (3) Provides oversight to ensure that the clinical counselor  
10 trainee's work at the setting meets the experience and supervision  
11 requirements in this chapter and is within the scope of practice of  
12 the profession, as defined in Section 4999.20.

13 (4) Only experience gained in the position for which the clinical  
14 counselor trainee volunteers or is employed shall qualify as  
15 supervised practicum or field study experience.

16 (d) (1) An associate may be credited with supervised experience  
17 completed in any setting that meets both of the following:

18 (A) Lawfully and regularly provides mental health counseling  
19 or psychotherapy.

20 (B) Provides oversight to ensure that the associate's work at the  
21 setting meets the experience and supervision requirements in this  
22 chapter and is within the scope of practice for the profession, as  
23 defined in Section 4999.20.

24 (2) Only experience gained in the position for which the  
25 associate volunteers or is employed shall qualify as supervised  
26 experience.

27 (3) An applicant for registration as an associate shall not be  
28 employed or volunteer in a private practice or professional  
29 corporation until they have been issued an associate registration  
30 by the board.

31 (e) Any experience obtained under the supervision of a spouse,  
32 relative, or domestic partner shall not be credited toward the  
33 required hours of supervised experience. Any experience obtained  
34 under the supervision of a supervisor with whom the applicant has  
35 had or currently has a personal, professional, or business  
36 relationship that undermines the authority or effectiveness of the  
37 supervision shall not be credited toward the required hours of  
38 supervised experience.

1 (f) A clinical counselor trainee, associate, or applicant for  
2 licensure shall not receive any remuneration from patients or clients  
3 and shall only be paid by their employer, if an employee.

4 (g) A clinical counselor trainee, associate, or applicant for  
5 licensure shall have no proprietary interest in their employer's  
6 business and shall not lease or rent space, pay for furnishings,  
7 equipment, or supplies, or in any other way pay for the obligations  
8 of their employer.

9 (h) A clinical counselor trainee, associate, or applicant for  
10 licensure who provides voluntary services in any lawful work  
11 setting and who only receives reimbursement for expenses actually  
12 incurred shall be considered an employee. The board may audit  
13 an applicant for licensure who receives reimbursement for expenses  
14 and the applicant for licensure shall have the burden of  
15 demonstrating that the payments received were for reimbursement  
16 of expenses actually incurred.

17 (i) A clinical counselor trainee, associate, or applicant for  
18 licensure who receives a stipend or educational loan repayment  
19 from a program designed to encourage demographically  
20 underrepresented groups to enter the profession or to improve  
21 recruitment and retention in underserved regions or settings shall  
22 be considered an employee. The board may audit an applicant who  
23 receives a stipend or educational loan repayment and the applicant  
24 shall have the burden of demonstrating that the payments were for  
25 the specified purposes.

26 (j) A clinical counselor trainee or associate may provide services  
27 via telehealth that are in the scope of practice outlined in this  
28 chapter.

29 (k) Each educational institution preparing applicants pursuant  
30 to this chapter shall consider requiring, and shall encourage, its  
31 students to undergo individual, marital, conjoint, family, or group  
32 counseling or psychotherapy, as appropriate. Each supervisor shall  
33 consider, advise, and encourage their associates and trainees  
34 regarding the advisability of undertaking individual, marital,  
35 conjoint, family, or group counseling or psychotherapy, as  
36 appropriate. Insofar as it is deemed appropriate and is desired by  
37 the applicant, educational institutions and supervisors are  
38 encouraged to assist the applicant to locate that counseling or  
39 psychotherapy at a reasonable cost.

1     ~~SEC. 61.~~

2     *SEC. 80.* Section 4999.90 of the Business and Professions Code  
3 is amended to read:

4     4999.90. The board may refuse to issue any registration or  
5 license, or may suspend or revoke the registration or license of  
6 any associate or licensed professional clinical counselor, if the  
7 applicant, licensee, or registrant has been guilty of unprofessional  
8 conduct. Unprofessional conduct includes, but is not limited to,  
9 the following:

10    (a) The conviction of a crime substantially related to the  
11 qualifications, functions, or duties of a licensee or registrant under  
12 this chapter. The record of conviction shall be conclusive evidence  
13 only of the fact that the conviction occurred. The board may inquire  
14 into the circumstances surrounding the commission of the crime  
15 in order to fix the degree of discipline or to determine if the  
16 conviction is substantially related to the qualifications, functions,  
17 or duties of a licensee or registrant under this chapter. A conviction  
18 has the same meaning as defined in Section 7.5. The board may  
19 order any license or registration suspended or revoked, or may  
20 decline to issue a license or registration when the time for appeal  
21 has elapsed, or the judgment of conviction has been affirmed on  
22 appeal, or, when an order granting probation is made suspending  
23 the imposition of sentence. All actions pursuant to this subdivision  
24 shall be taken pursuant to Division 1.5 (commencing with Section  
25 475).

26    (b) Securing a license or registration by fraud, deceit, or  
27 misrepresentation on any application for licensure or registration  
28 submitted to the board, whether engaged in by an applicant for a  
29 license or registration, or by a licensee in support of any application  
30 for licensure or registration.

31    (c) Administering to themselves any controlled substance or using  
32 any of the dangerous drugs specified in Section 4022, or any  
33 alcoholic beverage to the extent, or in a manner, as to be dangerous  
34 or injurious to the person applying for a registration or license or  
35 holding a registration or license under this chapter, or to any other  
36 person, or to the public, or, to the extent that the use impairs the  
37 ability of the person applying for or holding a registration or license  
38 to conduct with safety to the public the practice authorized by the  
39 registration or license. The board shall deny an application for a  
40 registration or license or revoke the license or registration of any



1 person, other than one who is licensed as a physician and surgeon,  
2 who uses or offers to use drugs in the course of performing licensed  
3 professional clinical counseling 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.

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 the licensee's or registrant's  
12 education, professional qualifications, or professional affiliations  
13 to any person or entity.

14 (g) Impersonation of another by any licensee, registrant, or  
15 applicant for a license or registration, or, in the case of a licensee  
16 or registrant, allowing any other person to use the licensee's or  
17 registrant's license or registration.

18 (h) Aiding or abetting, or employing, directly or indirectly, any  
19 unlicensed or unregistered person to engage in conduct for which  
20 a license or registration is required under this chapter.

21 (i) Intentionally or recklessly causing physical or emotional  
22 harm to any client.

23 (j) The commission of any dishonest, corrupt, or fraudulent act  
24 substantially related to the qualifications, functions, or duties of a  
25 licensee or registrant.

26 (k) Engaging in sexual relations with a client, or a former client  
27 within two years following termination of therapy, soliciting sexual  
28 relations with a client, or committing an act of sexual abuse, or  
29 sexual misconduct with a client, or committing an act punishable  
30 as a sexually related crime, if that act or solicitation is substantially  
31 related to the qualifications, functions, or duties of a licensed  
32 professional clinical counselor.

33 (l) Performing, or holding oneself out as being able to perform,  
34 or offering to perform, or permitting any trainee, applicant, or  
35 registrant under supervision to perform, any professional services  
36 beyond the scope of the license authorized by this chapter.

37 (m) Failure to maintain confidentiality, except as otherwise  
38 required or permitted by law, of all information that has been  
39 received from a client in confidence during the course of treatment

1 and all information about the client which is obtained from tests  
2 or other means.

3 (n) Prior to the commencement of treatment, failing to disclose  
4 to the client or prospective client the fee to be charged for the  
5 professional services, or the basis upon which that fee will be  
6 computed.

7 (o) Paying, accepting, or soliciting any consideration,  
8 compensation, or remuneration, whether monetary or otherwise,  
9 for the referral of professional clients. All consideration,  
10 compensation, or remuneration shall be in relation to professional  
11 clinical counseling services actually provided by the licensee. This  
12 subdivision does not prevent collaboration among two or more  
13 licensees in a case or cases. However, no fee shall be charged for  
14 that collaboration, except when disclosure of the fee has been made  
15 in compliance with subdivision (n).

16 (p) Advertising in a manner that is false, fraudulent, misleading,  
17 or deceptive, as defined in Section 651.

18 (q) Reproduction or description in public, or in any publication  
19 subject to general public distribution, of any psychological test or  
20 other assessment device, the value of which depends in whole or  
21 in part on the naivete of the subject, in ways that might invalidate  
22 the test or device.

23 (r) Any conduct in the supervision of a registered associate,  
24 trainee, or applicant by any licensee that violates this chapter or  
25 any rules or regulations adopted by the board.

26 (s) Performing or holding oneself out as being able to perform  
27 mental health services beyond the scope of one's competence, as  
28 established by one's education, training, or experience. This  
29 subdivision shall not be construed to expand the scope of the  
30 license authorized by this chapter.

31 (t) Permitting a trainee, associate, or applicant under one's  
32 supervision or control to perform, or permitting the trainee,  
33 associate, or applicant to hold themselves out as competent to  
34 perform, mental health services beyond the trainee's, associate's,  
35 or applicant's level of education, training, or experience.

36 (u) The violation of any statute or regulation governing the  
37 gaining and supervision of experience required by this chapter.

38 (v) Failure to keep records consistent with sound clinical  
39 judgment, the standards of the profession, and the nature of the  
40 services being rendered.

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

3 (x) Failing to comply with the elder and dependent adult abuse  
4 reporting requirements of Section 15630 of the Welfare and  
5 Institutions Code.

6 (y) Repeated acts of negligence.

7 (z) (1) Engaging in an act described in Section 261, 286, 287,  
8 or 289 of, or former Section 288a of, the Penal Code with a minor  
9 or an act described in Section 288 or 288.5 of the Penal Code  
10 regardless of whether the act occurred prior to or after the time the  
11 registration or license was issued by the board. An act described  
12 in this subdivision occurring prior to the effective date of this  
13 subdivision shall constitute unprofessional conduct and shall  
14 subject the licensee to refusal, suspension, or revocation of a license  
15 under this section.

16 (2) The Legislature hereby finds and declares that protection of  
17 the public, and in particular minors, from sexual misconduct by a  
18 licensee is a compelling governmental interest, and that the ability  
19 to suspend or revoke a license for sexual conduct with a minor  
20 occurring prior to the effective date of this section is equally  
21 important to protecting the public as is the ability to refuse a license  
22 for sexual conduct with a minor occurring prior to the effective  
23 date of this section.

24 (aa) Engaging in any conduct that subverts or attempts to subvert  
25 any licensing examination or the administration of an examination  
26 as described in Section 123.

27 (ab) Revocation, suspension, or restriction by the board of a  
28 license, certificate, or registration to practice as a professional  
29 clinical counselor, clinical social worker, educational psychologist,  
30 or marriage and family therapist.

31 (ac) Failure to comply with the procedures set forth in Section  
32 2290.5 when delivering health care via telehealth.

33 (ad) Willful violation of Chapter 1 (commencing with Section  
34 123100) of Part 1 of Division 106 of the Health and Safety Code.

35 ~~SEC. 62.~~

36 *SEC. 81.* Section 4999.113 of the Business and Professions  
37 Code is amended to read:

38 4999.113. (a) (1) The board shall issue, upon submission of  
39 a completed application as prescribed by this section and payment  
40 of the fee fixed by this chapter, a retired license to a professional

1 clinical counselor who holds a license that is current and active or  
2 a license that is inactive, and whose license is not suspended,  
3 revoked, or otherwise punitively restricted by the board or subject  
4 to disciplinary action under this chapter.

5 (2) A professional clinical counselor license that has expired  
6 shall be issued a retired license by the board upon submission of  
7 a completed application as prescribed by this section and payment  
8 of the fee fixed by this chapter if both of the following requirements  
9 are met:

10 (A) The license expired within three years from the date of the  
11 board's receipt of a completed application.

12 (B) Immediately preceding the license expiration, and after the  
13 license expiration, the license was not suspended, revoked, or  
14 otherwise punitively restricted by the board or subject to  
15 disciplinary action under this chapter.

16 (3) For purposes of this section, "subject to disciplinary action"  
17 shall mean that the licensee had an unsatisfied cost recovery, fine  
18 or restitution order, an accusation or petition to revoke probation  
19 that has been served on the licensee alleging violations of their  
20 probation or the chapter, or an unresolved complaint or  
21 investigation pending with the board.

22 (b) To apply for a retired license, the applicant shall submit a  
23 completed application to the board providing all of the following  
24 information:

25 (1) Full name as filed with the board.

26 (2) Board license type, license number, and expiration date.

27 (3) Date of birth.

28 (4) Social security number or individual taxpayer identification  
29 number.

30 (5) A statement signed under penalty of perjury that the  
31 information provided on the application is true and correct, that  
32 the applicant understands that the holder of a retired license may  
33 not engage in any activity for which the active license was issued,  
34 and that the applicant hereby requests their license to be changed  
35 to retired status.

36 (c) The holder of a retired license issued pursuant to this section  
37 shall not engage in any activity for which an active professional  
38 clinical counselor license is required.

1 (d) The holder of a retired license shall utilize their professional  
2 title only with the unabbreviated word “retired” directly preceding  
3 or directly following the professional title.

4 (e) The holder of a retired license shall not be required to renew  
5 that license.

6 (f) The holder of a retired license may apply to restore to active  
7 status their license to practice professional clinical counseling if  
8 that retired license was issued less than three years prior to the  
9 date the application to restore the retired license is received by the  
10 board. A retired license may be restored to active status one time  
11 only. To restore a retired license to active status, the applicant shall  
12 meet all of the following requirements:

13 (1) Submit a completed application to the board containing all  
14 of the following information:

15 (A) Full name as filed with the board.

16 (B) Original board license type and original license number and  
17 expiration date.

18 (C) Date of birth.

19 (D) Social security number or individual taxpayer identification  
20 number.

21 (E) Whether they have been convicted, as defined in Section  
22 490, of a misdemeanor or felony, or whether any disciplinary action  
23 has been taken by any regulatory or licensing board in this or any  
24 other state subsequent to the issuance of the retired license.

25 (F) A statement signed under penalty of perjury that the  
26 information provided on the application is true and correct, that  
27 the applicant did not engage in any activity for which an active  
28 license is required while the license was in retired status, and that  
29 the applicant hereby requests their license to be changed to “active”  
30 status.

31 (2) Has not committed an act or crime constituting grounds for  
32 denial of licensure.

33 (3) Pays the required renewal fee.

34 (4) Completes the required continuing education as specified  
35 in Section 4999.76.

36 (5) Complies with the fingerprint submission requirements  
37 established in Section 144.

38 (g) An applicant requesting to restore their license pursuant to  
39 subdivision (f) whose retired license was issued in accordance  
40 with this section less than one year from the date the application

1 to restore the retired license is received by the board shall complete  
2 18 hours of continuing education taken within the two years prior  
3 to the date the application to restore the retired license is received  
4 by the board. This coursework shall include a minimum of six  
5 hours in the subject of California law and ethics.

6 (h) An applicant requesting to restore their license pursuant to  
7 subdivision (f) whose retired license was issued in accordance  
8 with this section one or more years from the date the application  
9 to restore the retired license is received by the board shall complete  
10 36 hours of continuing education taken within the two years prior  
11 to the date the application to restore the retired license is received  
12 by the board. This coursework shall include a minimum of six  
13 hours in the subject of California law and ethics.

14 (i) A retired license that was issued three or more years prior  
15 shall not be restored. The holder of the retired license may apply  
16 for and obtain a new license if all of the following criteria are  
17 satisfied:

18 (1) Has not committed an act or crime constituting grounds for  
19 denial of licensure.

20 (2) Applies for licensure and pays the required fees.

21 (3) Passes the examinations required for licensure.

22 (4) Complies with the fingerprint submission requirements  
23 established in Section 144.

24 ~~SEC. 63.~~

25 *SEC. 82.* No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.

O