



Board of Behavioral Sciences

Memo

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

To: Interested Parties

Date: December 28,
2020

From: Board of Behavioral Sciences

Telephone: (916) 574-7830

Subject: Law Changes for 2021

There are several law changes that became effective in 2021 that will affect Board of Behavioral Sciences' (Board's) licensees, registrants, and applicants. It is important that you take some time to review these changes, which will help ensure your compliance with the law. The Board recommends reading the bills referenced in their entirety for greater clarity, available by clicking on the bill number links below, or by visiting <https://leginfo.legislature.ca.gov>.

The law changes listed below became effective on January 1, 2021, unless otherwise noted. The Board's 2021 *Statutes and Regulations* law book will be available on the Board's website soon.

NEW LAWS DIRECTLY AFFECTING THE BOARD'S APPLICATION AND RENEWAL PROCESS

- **[AB 2113](#): Expedited Licensure for Refugees, Asylees, and Special Immigrant Visa Holders**

This bill requires boards under the Department of Consumer Affairs, including the Board of Behavioral Sciences, to expedite the initial licensure process for an applicant who can provide satisfactory evidence of being admitted to the United States by one of the following methods:

- a. As a refugee under Section 1157 of Title 8 of the United States Code;
- b. Granted political asylum by the Secretary of Homeland Security or U.S. Attorney General pursuant to Section 1158 of Title 8 of the United States Code; or

- c. Granted a special immigrant visa with a status under Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, as follows:
 - i. Provides a set of criteria for granting special immigrant status to certain individuals from Iraq. (Section 1244 of Public Law 110-181)
 - ii. Sets forth provisions for granting special immigrant status to certain qualifying individuals who have served as a translator for the U.S. Armed Forces. (Section 1059 of Public Law 109-163)
 - iii. Provides a set of criteria for granting special immigrant status to certain individuals from Afghanistan. (Section 602(b) of Title VI of Division F of Public Law 111-8)

This bill became effective on January 1, 2021. An expedite request form, as well as further instructions, will be available on the Board's website soon.

- **[AB 3330](#): Increase to Board's Licensing Fees**

This bill, effective January 1, 2021, increases the Board's fees for each of its license types.

In setting the new fee amounts, the Board ensured fees were equitable across license types. For example, all licensees will now pay the same license renewal fee amount, regardless of whether they are an LMFT, LCSW, LPCC, or LEP. Similarly, all applicants will pay the same amount for associate registration, regardless of the type of associate registration they are applying for. A fact sheet detailing the new fee amounts and the reasons for the fee increase can be found [here](#).

OTHER UPCOMING LAW CHANGES

- **Suicide Risk Assessment and Intervention Coursework or Experience:**

Under this requirement, effective January 1, 2021, both applicants for licensure and licensees are required to complete a minimum of six hours of coursework or applied experience under supervision in suicide risk assessment and intervention.

More information about how to satisfy this requirement can be found [here](#).

- **"Old" LMFT and LPCC Supervised Experience Categories (Option 2) Expired December 31, 2020**

Individuals gaining hours of supervised experience toward LMFT or LPCC licensure need to be aware that an important deadline passed at the end of 2020. Senate Bill 620 (Chapter 262, Statutes of 2015) had streamlined the categories of experience hours that qualify for licensure. The legislation allowed the prior set of experience categories to remain available, but only until December 31, 2020.

In order to qualify under the “old” set of categories (Option 2), an *Application for Licensure and Examination* must have been postmarked no later than December 31, 2020. Moving forward, applicants must fully qualify under the new set of categories (Option 1).

OTHER BILLS RELEVANT TO THE PROFESSIONS

- **AB 465:** This bill requires a licensed mental health professional to supervise any program where mental health professionals respond to emergency calls related to mental health crises in collaboration with, or in place of, law enforcement.
- **AB 1145:** This bill makes some clarifications about what is reportable under the Child Abuse and Neglect Reporting Act (CANRA). It specifies that voluntary acts of sodomy, oral copulation, and sexual penetration are not considered acts of sexual assault that must be reported by a mandated reporter as child abuse if there are no indicators of abuse, unless it is between a person age 21 or older and a minor under age 16.
- **AB 2112:** This bill authorizes the establishment of the Office of Suicide Prevention within the State Department of Public Health.
- **AB 2253:** Various mental health professionals working in certain state settings are allowed a waiver from licensure requirements for a specified period of time if they are working toward gaining “qualifying experience” toward licensure. This bill clarifies the definition of “qualifying experience” toward licensure so that it is consistent across state agencies.
- **AB 2520:** This bill requires, among other provisions, health care providers to assist in the completion of forms, relevant to a patient receiving public benefits, at no extra charge to the patient. This bill also entitles a nonprofit legal services entity representing a patient to receive a copy of the relevant portion of the patient’s records that are needed to support a claim regarding eligibility for specified public benefit programs. Additionally, this bill expands the number of public benefit program applications that qualify for free medical records.
- **SB 803:** This bill provides a pathway to certification for peer support specialists. It requires the Department of Health Care Services (DHCS) to

establish statewide requirements for counties to use in developing these certification programs, by July 1, 2022. It authorizes counties, or an agency that represents a county, to develop a peer support specialist certification program and certification fee schedule, both of which would be subject to DHCS approval.

- **SB 855**: This bill expands California's 1999 Mental Health Parity Act. That act required health plans and insurers to provide coverage for the diagnosis and medically necessary treatment of severe mental illness (for persons of any age), and for serious emotional disturbances of a child under the same terms and conditions applied to other medical conditions. Instead, this bill requires health plans and insurers to cover medically necessary treatment of mental health and substance use disorders under the same terms and conditions applied to other medical conditions.
- **SB 1474**: This bill extended the Board's sunset date by one year (to January 1, 2022). This bill also prohibits licensees from including a provision in a contract that limits a consumer's ability to make complaints to a licensing board or from participating in an investigation of a licensee. Including such a clause is unprofessional conduct.