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To: Board Members
From: Rosanne Helms
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Date: November 6, 2014
Telephone: (916) 574-7897
Subject: Review of Board Sponsored and Monitored Legislation

BOARD-SPONSORED LEGISLATION

CHAPTERED BILLS

1. **AB 1843 (Jones and Gordon): Child Custody Evaluations: Confidentiality**

This bill gives the Board the statutory authority to access a child custody evaluation report for the purpose of investigating allegations that one of its licensees, while serving as a child custody evaluator, engaged in unprofessional conduct in the creation of the report. Previously, the law did not give the Board direct access to the child custody evaluation report. This left the Board unable to investigate allegations of unprofessional conduct of its licensees while serving as a custody evaluator, even though the Board is mandated to do so by law.

Chapter 283, Statutes of 2014

2. **AB 2213 (Eggman): LMFT and LPCC Out-of-State Applicant Requirements**

Licensing requirements for out-of-state LMFT and LPCC applicants were set to change on January 1, 2014. However, the Board had concerns that the new out-of state requirements may be too stringent, restricting portability of these license types to California.

Last year, the Board sponsored AB 451 (Chapter 551, Statutes of 2013), which extended the change to the out-of-state licensing requirements from January 1, 2014 to January 1, 2016. For the past year, the Board's newly formed Out-of-State Education Committee has been working to formulate new out-of-state requirements that better accommodate license portability, while still maintaining consumer protection.

This bill makes changes to the practicum requirements for out-of-state applicants, as well as allows them to remediate certain coursework through continuing education, instead of requiring all coursework to be from a graduate program. It also allows certain coursework to be remediated while registered as an intern.

Chapter 387, Statutes of 2014

3. **SB 1466: Omnibus Legislation (Senate Business, Professions, and Economic Development Committee)**

This bill makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

Chapter 316, Statutes of 2014

BOARD-SUPPORTED LEGISLATION

CHAPTERED BILLS

AB 809 (Logue): Healing Arts: Telehealth

This bill corrects some deficiencies and makes clarifying amendments to the telehealth law.

At its May 22, 2014 meeting, the Board took a “support” position on this bill.

Chapter 404, Statutes of 2014

AB 1775 (Melendez): Child Abuse and Neglect Reporting Act: Sexual Abuse

This bill makes downloading, streaming, or accessing through electronic or digital media, material in which a child is engaged in an obscene sexual act a mandated report under the Child Abuse and Neglect Reporting Act (CANRA).

At its May 22, 2014 meeting, the Board took a “support” position on this bill.

Chapter 264, Statutes of 2014

SB 578 (Wyland): Behavioral Sciences: Records Retention

This bill requires a licensee of the Board of Behavioral Sciences to retain patient records for a minimum of seven years from the date therapy is terminated. If the patient is a minor, records must be retained for a minimum of seven years from when the patient turned 18.

This bill only applies to records of a patient whose therapy is terminated on or after January 1, 2015.

At its May 22, 2014 meeting, the Board adopted a “support if amended” position on this bill, requesting that it be amended to include the Board’s other license types. The bill was later amended to satisfy this request.

Chapter 312, Statutes of 2014

SB 1012 (Wyland): Marriage and Family Therapists: Trainees

This bill would increase the hours of supervised experience that a marriage and family therapist intern, marriage and family therapist trainee, and professional clinical counselor intern may count toward licensure, from five hours per week to six hours per week.

At its May 22, 2014 meeting, the Board adopted a “support if amended” position on this bill, requesting the following additional amendments:

1. An amendment to the law for licensed professional clinical counselor interns (LPCC interns) to allow them to count six hours per week of supervised experience as well;
2. An amendment to clarify that the amendments apply to interns, not trainees as referenced in the bill; and

3. An amendment stating that the changes made by this bill apply to supervision hours gained on or after January 1, 2009. Making the bill apply to hours gained retroactively six years back ensures that Board evaluators will not have to evaluate hours differently based on when they were gained.

Chapter 435, Statutes of 2014

BILLS THAT FAILED PASSAGE

AB 2058 (Wilk): Open Meetings

This bill proposed making an advisory body consisting of less than three members subject to the Bagley-Keene Open Meeting Act if the body is a standing committee with a continuing subject matter jurisdiction, or if the body has a meeting schedule fixed by formal action of a state body.

At its May 22, 2014 meeting, the Board took a “support” position on this bill.

The Governor vetoed this bill.

SB 909 (Pavley): Dependent Children: Health Screenings

This bill would have clarified that a social worker may authorize a noninvasive initial medical, dental, and mental health screening for a child taken into temporary custody by a county welfare agency due to an immediate danger.

At its May 22, 2014 meeting, the Board adopted a “support” position on this bill.

This bill died in the Senate Appropriations Committee.

THE BOARD MONITORED THE FOLLOWING LEGISLATION:

CHAPTERED BILLS

AB 186 (Maienschein): Military Spouses: Temporary Licenses

This bill requires certain boards within DCA to issue a temporary license to an applicant who is a spouse of a military member stationed in California and who is already eligible for an expedited license.

At its meeting on June 26, 2014, the Board took an “oppose unless amended” position on this legislation, asking that the Board be removed from the requirements of this bill.

Per the Board’s request, this bill was amended on August 20, 2014 to remove the Board from its requirements.

Chapter 640, Statutes of 2014

AB 1629 (Bonta): Reimbursement of Violence Peer Counseling

This bill makes costs incurred for certain services provided by violence peer counselors reimbursable to crime victims through the California Victim Compensation Board.

This bill was amended late in the legislative session, to require a violence peer counselor eligible for reimbursable services to be supervised by a Board licensee. The Board had concerns that this language does not make it clear that a violence peer counselor may not practice psychotherapy in a private practice unless licensed. At its August 28, 2014 meeting, the Board took an “oppose unless amended” position on this bill.

The author's office has committed to making clarifying amendments in the next legislative session.

Chapter 535, Statutes of 2014

AB 1702 (Maienschein): Professions and Vocations: Incarceration

This bill prohibits a board under DCA from denying or delaying an application solely on the grounds that some or all of the licensure requirements were completed while the individual was incarcerated.

At its May 22, 2014 meeting, the Board took a "support if amended" position on this bill, and asked that the Board be removed from the bill. However, the Board was not removed.

Chapter 410, Statutes of 2014

AB 2396 (Bonta): Expungement: Licenses

This bill prohibits boards under DCA from denying a license solely based on the applicant having certain types of convictions that have been expunged.

At its May 22, 2014 meeting, the Board took an "oppose" position on this bill.

Chapter 737, Statutes of 2014

BILLS THAT FAILED PASSAGE

AB 1505 (Garcia): Child Abuse: Mandated Reporters

This bill would have specified that consensual acts of sodomy and oral copulation are not acts of sexual assault that must be reported by a mandated reporter, unless it involves either a person over 21 or a minor under 16.

This bill died just before the Board was able to take a position at its May 22, 2014 meeting. However, the bill was discussed at the meeting as its content affects mandated reporting requirements for Board licensees. The author's office has indicated they are interested in future legislation regarding this topic. Therefore, the Board directed staff to participate in the stakeholder process if there are future legislative efforts.

This bill died in the Assembly Appropriations Committee.

AB 2198 (Levine): Mental Health Professionals: Suicide Prevention Training

This bill proposed requiring Board licensees to complete a six-hour training course in suicide assessment, treatment, and management. It would also have required new applicants who began graduate study after January 1, 2016 to take a 15-hour course in this subject area.

At its May 22, 2014 meeting, the Board took a "oppose unless amended" position on this bill. The Board requested the bill be amended to form a task force to include members of this Board, its stakeholders, the Board of Psychology, county mental health officials, and university educators.

The Governor vetoed this bill.

SB 570 (DeSaulnier): Advanced Alcohol and Drug Licensing Act

This bill would have established the Advanced Alcohol and Drug Counselor Licensing Board within DCA for the purposes of licensing and regulating Advanced Alcohol and Drug Counselor Interns and Licensed Advanced Alcohol and Drug Counselors.

The Board held a meeting on July 11, 2014, where the Board adopted a "support if amended" position on this bill. The Board identified several concerns which it requested the author's office consider in order to ensure public protection:

- Require a master's degree for a license, even in the grandparenting period.
- Establish a secondary licensing designation, possibly requiring supervision, for an individual who does not possess a master's degree; and
- Clarify that the license types established in the bill are subject to SB 1441 (Ridley-Thomas, Statutes of 2008), which establishes uniform standards for substance abusing licensees that all healing arts boards under DCA must abide by.

At the July 11, 2014 meeting, the Board also voted to take an "oppose" position on this bill if it were amended to place this licensing program under the Board of Behavioral Sciences.

Status: This bill died in Assembly Appropriations Committee.

Updated: October 20, 2014