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## **BOARD MEETING NOTICE November 1-2, 2017**

Embassy Suites by Hilton Anaheim Orange  
400 N. State College Blvd.  
Orange, CA 92868  
(714) 938-1111

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

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### **AGENDA Wednesday November 1, 2017 8:30 a.m.**

#### **FULL BOARD OPEN SESSION**

- I. Call to Order and Establishment of Quorum
- II. Public Comment for Items not on the Agenda  
*Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))*
- III. Suggestions for Future Agenda Items
- IV. Petition for Early Termination of Probation for Chevy C.W. Cheung, LCSW 27845
- V. Petition for Early Termination of Probation for Suzanne S. Chiu, LCSW 74366
- VI. Petition for Early Termination of Probation for Lisa Stout, LMFT 83165
- VII. Petition for Early Termination of Probation for Joseph Szlamnik, IMF 82754 and PCCI 1522



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

**FULL BOARD CLOSED SESSION**

VIII. Pursuant to Section 11126(c)(3) of the Government Code, the Board will meet in Closed Session for discussion and to take action on disciplinary matters, including the above Petitions. The Board will also, pursuant to Section 11126(a)(1) of the Government Code, meet in Closed Session to evaluate the performance of the Executive Officer.

**FULL BOARD RECONVENE TO OPEN SESSION**

Recess Until 8:30 a.m. on Thursday, November 2, 2017.

**AGENDA**  
**Thursday, November 2, 2017**  
**8:30 a.m.**

- IX. Call to Order and Establishment of Quorum
- X. Introductions\*
- XI. Chair Report
  - a. Board Member Activities
- XII. Executive Officer's Report
  - a. Budget Report
  - b. Operations Report
  - c. Personnel Report
- XIII. Status of Data Collection to Study Trainees Paying for Their Supervision
- XIV. Discussion and Possible Action Regarding the Board's 2018 Strategic Plan
- XV. Policy and Advocacy Committee Recommendations
  - a. Discussion and Possible Action Regarding Proposed Technical and Non-Substantive Amendments to Business and Professions Code Sections 27, 337, 728, 865, 2290.5, 4999.30, 4999.14, 4999.22, 4999.48, 4999.100, 4980.78, 4980.79, 4999.62, 4999.63, 4992, 4996.17, 4999.60, 4980.37, 4980.39, 4980.41, 4999.32, and Family Code Section 6924
  - b. Discussion and Possible Action Regarding Education Requirements to Obtain a Subsequent Registration Number, Business and Professions Code Sections 4984.01, 4996.28, 4999.45, and 4999.100
  - c. Discussion and Possible Action Regarding Renewal of an Expired Registration Business and Professions Code Sections 4984.01, 4996.28, and 4999.100
  - d. Discussion and Possible Action Regarding Proposed Rulemaking to Add California Code of Regulations, Title 16, Section 1805.06 – Rescoring of Examinations Taken Via Paper and Pencil; and to Delete Section 1816.3 – Examination Rescoring Fees
  - e. Discussion and Possible Action Regarding Proposed Rulemaking to Amend California Code of Regulations, Title 16, Section 1806 – Abandonment of Application
  - f. Discussion and Possible Action Regarding Proposed Rulemaking to Amend California Code of Regulations, Title 16, Section 1856 – Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist
  - g. Discussion and Possible Action on Proposed Rulemaking to Amend Title 16, CCR Section 1816.1 - Add Fee for Subsequent Professional Clinical Counselor Intern Registrations

- XVI. Status on Board-Sponsored Legislation, Board-Supported Legislation, and Board-Monitored Legislation
- a. Assembly Bill 93 (Medina) - Healing Arts: Marriage and Family Therapists, Clinical Social Workers, Professional Clinical Counselors: Required Experience and Supervision
  - b. Senate Bill 800 - Proposed Technical and Non-Substantive Amendments to Business and Professions Code Sections 801, 801.1, 802, 4980.09, 4999.12.5, 4980.44, 4984.7, 4999.32, 4999.42, 4999.53, 4999.62, 4999.63, 4999.120, 4984.4, 4984.7, 4996.3, 4996.6, 4999.32, 4999.33, 4999.60, 4999.61, 4984.9, 4992.8, 4989.46, 4999.18, 4980.72, 4996.17, 4999.53; Evidence Code Section 1010(f)(o); and Penal Code Section 11165.7(a)(25) and (a)(40)
  - c. Assembly Bill 191 (Wood) - Mental Health: Involuntary Treatment
  - d. Assembly Bill 456 (Thurman) – Healing Arts: Associate Clinical Social Workers
  - e. Assembly Bill 508 (Santiago) – Health Care Practitioners: Student Loans
  - f. Assembly Bill 1116 (Grayson) – Peer Support and Crisis Referral Services Act
  - g. Assembly Bill 1188 (Nazarian) – Health Professions Development: Loan Repayment
  - h. Assembly Bill 1372 (Levine) – Health Professions Development: Loan Repayment
  - i. Assembly Bill 1591 (Berman) – Medi-Cal: Federally Qualified Health Centers and Rural Health Center: Licensed Professional Clinical Counselors
  - j. Senate Bill 27 (Morrell) – Professions and Vocations: Licensees: Military Service
  - k. Senate Bill 355 (Lara) – Privacy: Agencies: Personal Information
  - l. Senate Bill 374 (Newman) – Health Insurance: Discriminatory Practices: Mental Health
  - m. Assembly Bill 89 (Levine) – Psychologists: Suicide Prevention Training
  - n. Assembly Bill 700 (Jones-Sawyer) – Public Health: Alcoholism or Drug Abuse Recovery: Substance Use Disorder Counseling
  - o. Assembly Bill 767 (Quirk-Silva) – Master Business License Act
  - p. Senate Bill 715 (Newman) – Department of Consumer Affairs: Regulatory Boards: Removal of Board Members
  - q. Senate Bill 762 (Hernandez) – Healing Arts License: License Activation Fee Waiver
- XVII. Status of Board Rulemaking Proposals
- a. Enforcement: Amend Title 16, California Code of Regulations Sections 1823, 1845, 1858, 1881, 1886.40, 1888 and Uniform Standards Related to Substance Abuse and Disciplinary Guidelines
  - b. Application Processing Times and Registrant Advertising: Amend Title 16. California Code of Regulations, Sections 1805.1 and 1811
  - c. Contact Information; Application Requirements; Incapacitated Supervisors: Amend Title 16. California Code of Regulations, Sections 1804, 1805 and 1820.7; Add Section 1815.8

XVIII. Suggestions for Future Agenda Items

XIX. Public Comment for Items Not on the Agenda

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

XX. Adjournment

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*\*Introductions are voluntary for members of the public.*

*Public comment on items of discussion will be taken during each item. Time limitations will be determined by the Board Chair. Times and order of items are approximate and subject to change. Action may be taken on any item listed on the Agenda.*

*This agenda, as well as Board meeting minutes, can be found on the Board of Behavioral Sciences website at [www.bbs.ca.gov](http://www.bbs.ca.gov).*

*NOTICE: The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting, may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*

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**2016/2017 Budget**

The Board's budget for Fiscal Year (FY) 2017/2018 is \$11,316,00. On July 1, 2017, the Department of Consumer Affairs (DCA) transitioned to a new accounting system, FISCAL. FISCAL is a single financial management system that will allow the state to combine accounting, budgeting, cash management, and procurement operations. Unfortunately, due to this transition there is a delay in receiving our expenditure and revenue reports.

The chart below provides a breakdown of expense categories and percentages. The figures below reflect the Board's internal tracking.

<b>Expense Category</b>	<b>Amount</b>	<b>Percentage</b>
Personnel	NA	NA
OE&E	\$164,783	1%
Enforcement	\$200,753	2%
Minor Equipment <i>Includes LPCC exp</i>	\$8,224	0%
<b>Total Expenses</b>	<b>\$373,761</b>	<b>3%</b>

**Board Fund Condition**

The Board's Fund Condition for FY 2017/2018 reflects a 5.9 month reserve.

**General Fund Loans**

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

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**BBS EXPENDITURE REPORT FY 2017/2018**

OBJECT DESCRIPTION	FY 2016/17	FY 2017/2018		
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 10/17/2017	UNENCUMBERED BALANCE
<b>PERSONAL SERVICES</b>				
Salary & Wages (Civ Svc Perm)	2,864,112	2,939,000	0	2,939,000
Salary & Wages (Stat Exempt)	103,365	91,000	0	91,000
Temp Help (907)(Seasonals)	69,498	0	0	0
Temp Help (915)(Proctors)	0	0	0	0
Board Memb (Per Diem)	15,700	13,000	0	13,000
Overtime	3,708	2,000	0	2,000
Totals Staff Benefits	1,678,785	1,743,000	0	1,743,000
<b>TOTALS, PERSONAL SERVICES</b>	<b>4,735,168</b>	<b>4,788,000</b>	<b>0</b>	<b>4,788,000</b>
<b>OPERATING EXP &amp; EQUIP</b>				
Fingerprint Reports	13,240	15,000	456	14,544
General Expense	72,279	63,000	8,560	54,440
<b>Printing</b>	<b>84,553</b>	<b>25,000</b>	<b>159</b>	<b>24,841</b>
Communication	11,512	16,000	57	15,943
Insurance	58	0	0	0
<b>Postage</b>	<b>42,101</b>	<b>69,000</b>	<b>1,135</b>	<b>67,865</b>
<b>Travel, In State</b>	<b>113,196</b>	<b>59,000</b>	<b>0</b>	<b>59,000</b>
Travel, Out-of-State	0	72,000	0	72,000
<b>Training</b>	<b>3,144</b>	<b>27,000</b>	<b>2,064</b>	<b>24,936</b>
Facilities Operations	240,626	228,000	93	227,907
Utilities	0	4,000	0	4,000
C&P Services - Interdept.	0	15,000	0	15,000
<b>C&amp;P Services-External Contracts</b>	<b>23,498</b>	<b>272,000</b>	<b>6,298</b>	<b>265,702</b>
<b>DEPARTMENTAL PRORATA</b>				
DP Billing (424.03)	1,428,381	1,639,000	0	1,639,000
Indirect Distribution Costs (427)	750,084	793,000	0	793,000
Public Affairs (427.34)	92,454	48,000	0	48,000
D of I Prorata (427.30)	20,238	21,000	0	21,000
Consumer Relations Division (427.35)	3,923	49,000	0	49,000
OPP Support Services (427.01)	0	1,000	0	1,000
Interagency Services (OPES IACs)	231,140	325,000	72,502	252,498
Consolidated Data Services (428)	10	28,000	0	28,000
Information Technology (431)	4,095	14,000	0	14,000
Statewide Pro Rata (438)	0	0	0	0
<b>EXAM EXPENSES</b>				
Exam Site Rental (Fairfield Inn)(343.2)	0	100,000	7,146	92,854
Exam Contract (PSI) (404.00)	651,208	359,000	66,314	292,686
C/P Svs - Expert Examiners (404.01)	0	45,000	0	45,000
C/P Svs - External Subj Matter (404.03)	257,200	365,000	0	365,000
<b>ENFORCEMENT</b>				
Attorney General	1,274,123	939,000	183,748	755,253
Office of Admin. Hearing	216,656	240,000	0	240,000
Court Reporters	10,745	95,000	2,695	92,305
Evidence/Witness Fees	28,075	15,000	14,311	689
Division of Investigation	371,795	542,000	0	542,000
<b>Minor Equipment (226)</b>	<b>64,746</b>	<b>7,000</b>	<b>8,224</b>	<b>(1,224)</b>
<b>Equipment, Replacement (452)</b>	<b>0</b>	<b>19,000</b>	<b>0</b>	<b>19,000</b>
<b>Equipment, Additional (472)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Vehicle Operations</b>	<b>0</b>	<b>19,000</b>	<b>0</b>	<b>19,000</b>
<b>TOTAL, OE&amp;E</b>	<b>6,009,080</b>	<b>6,528,000</b>	<b>373,760</b>	<b>6,154,240</b>
<b>TOTAL EXPENDITURES</b>	<b>\$10,744,248</b>	<b>\$11,316,000</b>	<b>\$373,760</b>	<b>\$10,942,240</b>

# 0773 - Behavioral Science Analysis of Fund Condition

10/18/2017

(Dollars in Thousands)

## 2017-18 Budget Act

	ACTUAL 2016-17	CY 2017-18	BY +1 2018-19	BY +2 2019-20	BY +3 2020-21
<b>BEGINNING BALANCE</b>	\$ 7,691	\$ 5,647	\$ 5,950	\$ 5,514	\$ 2,240
Prior Year Adjustment	\$ 61	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 7,752	\$ 5,647	\$ 5,950	\$ 5,514	\$ 2,240
<b>REVENUES AND TRANSFERS</b>					
Revenues:					
4129200 Other regulatory fees	\$ 181	\$ 176	\$ 182	\$ 182	\$ 182
4129400 Other regulatory licenses and permits	\$ 4,345	\$ 3,770	\$ 2,900	\$ 2,900	\$ 2,900
4127400 Renewal fees	\$ 5,162	\$ 5,213	\$ 5,265	\$ 5,265	\$ 5,265
4121200 Delinquent fees	\$ 99	\$ 100	\$ 100	\$ 100	\$ 100
4163000 Income from surplus money investments	\$ 53	\$ 9	\$ 7	\$ 7	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 3	\$ 4	\$ 4	\$ 4	\$ 4
4172500 Miscellaneous revenues	\$ 5	\$ 4	\$ 4	\$ 4	\$ 4
Totals, Revenues	\$ 9,848	\$ 9,276	\$ 8,462	\$ 8,462	\$ 8,455
Transfers from Other Funds					
F00001 GF loan repayment per item 1110-011-0773 BA of 2008	\$ -	\$ 3,000	\$ -	\$ -	\$ -
F00001 GF loan repayment per item 1110-011-0773 BA of 2011	\$ -	\$ -	\$ 3,300	\$ -	\$ -
Totals, Revenues and Transfers	\$ 9,848	\$ 12,276	\$ 11,762	\$ 8,462	\$ 8,455
Totals, Resources	\$ 17,600	\$ 17,923	\$ 17,712	\$ 13,976	\$ 10,695
<b>EXPENDITURES</b>					
Disbursements:					
8880 Financial Information System for California	\$ 13	\$ 15	\$ 15	\$ 15	\$ 15
1111 Program Expenditures (State Operations)	\$ 11,452	\$ 11,266	\$ 11,491	\$ 11,721	\$ 11,955
9900 Statewide Pro Rata	\$ 488	\$ 692	\$ 692	\$ 692	\$ 692
Total Disbursements	\$ 11,953	\$ 11,973	\$ 12,198	\$ 11,736	\$ 12,662
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 5,647	\$ 5,950	\$ 5,514	\$ 2,240	\$ -1,967
<b>Months in Reserve</b>	5.7	5.9	5.6	2.1	-1.8

**Board Statistics**

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

**Licensing Program**

Overall, application volumes increased in the first quarter of FY 2017/2018 by 15%.

<b>Application Volumes</b>			
<b>Application Type</b>	<b>1<sup>st</sup> Quarter 7/1/17-9/30/17</b>	<b>4<sup>th</sup> Quarter 4/1/17-6/30/17</b>	<b>Difference</b>
MFT Intern	1145	630	<b>82%</b>
MFT Examination	752	921	<b>-18%</b>
ASW Registration	1181	1107	<b>7%</b>
LCSW Examination	504	532	<b>-5%</b>
LEP Examination	33	33	<b>0</b>
LPCC Intern	375	231	<b>62%</b>
LPCC Examination	43	58	<b>-26%</b>
<b>Total Applications</b>	<b>4033</b>	<b>3512</b>	<b>15%</b>

Because of the increased application volumes and staff vacancies, the Board's Processing Times increased during the first quarter of FY 2017/2018.

<b>Days to Process Application</b>			
<b>License Type</b>	<b>1<sup>st</sup> Quarter 7/1/17-9/30/17</b>	<b>4<sup>th</sup> Quarter 4/1/17-6/30/17</b>	<b>Difference</b>
<b>MFT Intern</b>	<b>17 days</b>	<b>14 days</b>	<b>21%</b>
<b>MFT Examination</b>	<b>50 days</b>	<b>35 days</b>	<b>43%</b>
<b>ASW Registrant</b>	<b>14 days</b>	<b>15 days</b>	<b>-7%</b>
<b>LCSW Examination</b>	<b>42 days</b>	<b>42 days</b>	<b>0</b>
<b>LEP Examination</b>	<b>12 days</b>	<b>8 days</b>	<b>50%</b>
<b>LPCC Intern</b>	<b>29 days</b>	<b>17 days</b>	<b>71%</b>
<b>LPCC Examination</b>	<b>21 days</b>	<b>15 days</b>	<b>40%</b>

A total of 1,286 initial licenses were issued in the fourth quarter. As of September 30, 2017, the Board has 110,412 licensees and registrants. This figure includes all licenses that have been issued that are current and/or eligible to renew.

LICENSE POPULATION (As of 9/30/17)				
License Type	Active	Current In-Active	Delinquent	Total Population
<b>Registrants</b>				
MFTI	14,016	N/A	5,130	19,146
ASW	11,768	N/A	4,548	16,316
PCI	2,107	N/A	861	2,968
<b>Total Registrant</b>	27,891	N/A	10,539	38,430
<b>Licensees</b>				
LMFT	35,203	4,564	2,455	42,222
LCSW	22,150	2,590	1,371	26,111
LEP	1,332	444	304	2,080
LPCC	1,427	101	41	1,569
<b>Total Licensee</b>	60,112	7,699	4,171	71,982
<b>Total Population</b>	88,033	7,699	14,710	<b>110,412</b>

### Examination Program

Attached for your review are the examination statistics. Examination statistics by school are also included. A total 6,123 examinations were administered in the first quarter.

	1 <sup>st</sup> Qtr		4 <sup>th</sup> Qtr		3 <sup>rd</sup> Qtr		2 <sup>nd</sup> Qtr	
	7/1/2017-9/30/2017		4/1/17-6/30/17		1/1/17-3/31-17		10/1/16-12/31/16	
	Total Exams	Pass %	Total Exams	Pass %	Total Exams	Pass %	Total Exams	Pass %
<b>LMFT L/E*</b>	1874	74%	2188	72%	2187	65%	2954	69%
<b>LMFT Clinical*</b>	1273	58%	1277	52%	983	54%	1246	71%
<b>LCSW L/E*</b>	1771	80%	2152	72%	1613	71%	2403	67%
<b>LCSW ASWB</b>	833	70%	689	75%	689	77%	860	80%
<b>LPCC L/E*</b>	278	67%	248	67%	252	67%	323	59%
<b>LPCC NCMHCE</b>	49	82%	54	78%	28	86%	39	74%
<b>LEP*</b>	45	42%	46	37%	32	72%	36	56%

\*Board developed examination

Twelve (12) examination development workshops were conducted from July through September.

In March 2017 Subject Matter Expert (SME) recruitment was initiated and resulted in a great response with over 336 applications received as of September 25, 2017. Of the 336 applicants, 231 met the desired qualifications. We now have over 434 qualified SME's committed to participating in the various examination development workshops.

Subject Matter Expert (SME) recruitment is ongoing and interested licensees, including new licensees (licensed 5 years or less) are encouraged to apply via the Board's website.

Board staff continues to work collaboratively with OPES on workshop coordination and communication with testing vendors.

Exam Unit staff recently completed Law and Ethics Examination FAQ's as a helpful tool for candidates. The FAQ's will be disseminated at outreach events and added to the website. A copy of the Law and Ethics Examination FAQ's is attached.

**Administration Program**

The Board received 9,695 applications in the first quarter, a 11% decrease since last quarter. This figure does not include renewal applications. The chart below reflects the total renewal activity for the first quarter.

<b>RENEWAL ACTIVITY</b>		
	<b>Number of Renewals</b>	<b>Percentage</b>
DCA Processed	7,353	49%
BBS Processed	409	3%
Online Renewal	7,328	48%
Total	15,090	

**Enforcement Program**

During the first quarter, the Enforcement staff received 303 consumer complaints and 305 criminal convictions. 668 cases were closed and 57 cases were referred to the Attorney General's office for formal discipline. 17 Accusations and 8 Statement of Issues were filed this quarter. The number of final citations for the first quarter is 78.

The average number of days to complete Formal Discipline in the first quarter was 669 days (previous quarter 880 days). This statistic is measured from the date the Board receives the complaint to the date the discipline becomes effective. The average number of days the case is with the Attorney General's Office in the fourth quarter was 447 (previous quarter 469 days). This statistic is measured from the date the Board refers the matter to the Attorney General's to the date the case is complete. The average number of days to complete all Board investigations in the first quarter was 166 days.

### **Continuing Education Audits**

Below are the results for the July – September 2017 audit. The Board has audited a total of 692 licensees.

#### **January – August 2017 Audit Results**

<b>License</b>	<b># of audits</b>	<b>Pass</b>	<b>Fail</b>	<b>% of pass</b>	<b>% of fail</b>
<b>LCSW</b>	<b>248</b>	<b>185</b>	<b>63</b>	<b>75%</b>	<b>25%</b>
<b>LEP</b>	<b>35</b>	<b>12</b>	<b>23</b>	<b>34%</b>	<b>66%</b>
<b>LMFT</b>	<b>382</b>	<b>283</b>	<b>99</b>	<b>74%</b>	<b>26%</b>
<b>LPCC</b>	<b>27</b>	<b>23</b>	<b>4</b>	<b>85%</b>	<b>15%</b>
<b>Grand Total</b>	<b>692</b>	<b>503</b>	<b>189</b>	<b>73%</b>	<b>27%</b>

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

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

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

### **Outreach Activity**

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

#### **July 2017**

July 19, 2017                      Orange County MFT Consortium Meeting

#### **August 2017**

August 9-12, 2017              National Board of Certified Counselors Annual Delegate Meeting,  
Greensboro, North Carolina

August 11, 2017                  Central Valley MFT Consortium Meeting

August 17, 2017                  Inland Empire MFT Consortium Meeting

**September 2017**

September 1, 2017	3000 Prelicensure Meeting, Sacramento, CA
September 11, 2017	Central Coast MFT Consortium Meeting
September 15, 2017	Los Angeles MFT Consortium Meeting
September 20, 2017	Orange County MFT Consortium Meeting

Board staff is currently collaborating with the Board of Psychology and the California Medical Board to revise and update the *Professional Therapy Never Includes Sex*. Our next meeting will be December 7, 2017.

**Board Office**

Despite two remodels in the past several years, the Board's current suite is no longer sufficient for its current and future needs. Late fiscal year 2016/2017, Board management began working with the DCA Facilities Unit to locate space suitable for the Board. The priorities for Board management was the elimination of maintaining two separate spaces (the file room and office) and minimizing the impact to Board staff.

Fortunately, an opportunity to relocate to a larger space within the Board's current building became available. Following the relocation of another entity in late 2017, the Board will begin remodeling the suite next door to its existing office. The new suite will allow the Board to relocate its file room within its office; sufficient space for current and future needs; and minimal impact to Board staff. The Board anticipates the construction and move will be completed late Spring.

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## QUARTERLY STATISTICAL REPORT FY 2017-2018

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

### CASHIERING

Renewals Processed In-House	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	150	108	118										376
Closed	183	129	97										409

Renewals Processed By DCA Central Cashiering	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	2065	2417	2157										6639
Closed	2679	2336	2338										7353

Online Transactions	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Online Renewals	2487	2529	2312										7328
Online Cert Reorder	137	177	136										450
Address Changes	713	881	715										2309
<b>TOTAL</b>	<b>3337</b>	<b>3587</b>	<b>3163</b>										<b>10087</b>

Application Payments Processed In-House**	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	3761	2832	3102										9695
Closed	3649	2755	2854										9258

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

## LICENSING

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

<b>LMFT Law &amp; Ethics Applications</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	358	281	275										914
Approved	309	366	225										900
<b>LCSW Law &amp; Ethics Applications</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	317	266	206										789
Approved	276	302	245										823
<b>LPCC Law &amp; Ethics Applications</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	77	35	83										195
Approved	79	80	59										218

<b>TOTAL Law &amp; Ethics Applications</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	752	582	564	0	0	0	0	0	0	0	0	0	1898
Approved	664	748	529	0	0	0	0	0	0	0	0	0	1941

<b>LMFT Licensure &amp; Exam Applications</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	300	206	246										752
Approved	207	303	222										732
Process Time	43	49	57										50
<b>LCSW Licensure &amp; Exam Applications</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	165	152	187										504
Approved	172	205	184										561
Process Time	42	42	41										42
<b>LPCC Licensure &amp; Exam Applications</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	18	12	13										43
Approved	15	32	12										59
Process Time	22	19	22										21

LEP Examination Eligibility Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	14	9	10										33
Approved	15	15	9										39
Process Time	10	10	16										12

TOTAL Licensure & Exam Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	497	379	456	0	0	0	0	0	0	0	0	0	1332
Approved	409	555	427	0	0	0	0	0	0	0	0	0	1391
Avg. Process Time	29	30	34										31

LMFT Intern Registration Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	450	377	318										1145
Approved	333	404	320										1057
Process Time	14	17	20										17

ASW Registration Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	534	374	273										1181
Approved	689	557	243										1489
Process Time	15	15	11										14

LPC Intern Registration Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	164	119	92										375
Approved	71	162	143										376
Process Time	24	34	29										29

TOTAL Registration Applications	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
Received	1148	870	683	0	0	0	0	0	0	0	0	0	2701
Approved	1093	1123	706	0	0	0	0	0	0	0	0	0	2922
Avg. Process Time	18	22	20	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20

## EXAMINATION

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

Examinations Administered	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
LCSW L&E	659	606	506										1771
LMFT L&E	676	660	538										1874
LPCC L&E	96	94	88										278
<b>TOTAL L &amp; E</b>	<b>1431</b>	<b>1360</b>	<b>1132</b>										<b>3923</b>
ASWB Clinical	236	292	305										833
LMFT Clinical	503	385	385										1273
LPCC NCMHCE	15	13	21										49
LEP	20	12	13										45
<b>Total Exams Administered</b>	<b>2205</b>	<b>2062</b>	<b>1856</b>										<b>6123</b>
<b>Examination Workshops</b>	<b>3</b>	<b>4</b>	<b>5</b>										<b>12</b>

Initial Licenses Issued	17-Jul	17-Aug	17-Sep	17-Oct	17-Nov	17-Dec	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	YTD
LMFT	229	219	214										662
LCSW	157	162	243										562
LEP	5	6	6										17
LPCC	10	16	19										45
<b>TOTAL</b>	<b>401</b>	<b>403</b>	<b>482</b>										<b>1286</b>

## ENFORCEMENT

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

<b>Complaints (Complaint Intake*)</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	80	112	111										303
Closed without Assignment for Investigation	25	34	36										95
Assigned for Investigation	68	70	90										228
Average Days to Close or Assigned for Investigation	11	5	6										7
Intake Pending	19	27	14										60

<b>Convictions/Arrest Reports</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Received	120	107	78										305
Closed / Assigned for Investigation	0	0	0										0
Assigned for Investigation	123	104	87										314
Average Days to Close	1	2	4										2
Intake Pending	1	4	2										7

**Complaint Intake \***

Complaints Received by the Program

<b>INVESTIGATION**</b>													
<b>Desk Investigation</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Assigned	225	192	189										606
Closed	214	201	242										657
Average Days to Close	72	85	64										74
Pending	359	369	321										
<b>Field Investigation (Non-Sworn)</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Assigned	9	6	2										17
Closed	3	2	6										11
Average Days to Close	78	124	82										95
Pending	21	24	21										
<b>Field Investigation (Sworn)</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
Assigned	1	1	2										4
Closed	2	2	0										4
Average Days to Close	566	352	0										306
Pending	8	7	9										
<b>All Investigations</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
First Assignments	234	198	191										623
Closed	217	203	248										668
Average Days to Close	239	187	73										166
Pending	380	393	342										

**Investigations \*\***

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

<b>Enforcement Actions</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>YTD</b>
AG Cases Initiated	12	17	28										57
AG Cases Pending	176	184	192										
SOIs Filed	1	2	5										8
Accusations Filed	2	8	7										17
Proposed/Default Decisions Adopted	6	3	3										12
Stipulations Adopted	10	17	4										31
<b>Disciplinary Orders</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	18	26	12										56
<b>AG Cycle Time</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	<b>Average</b>
AG Transmittal	827	632	549										669
Post AG Transmittal	534	414	393										447
<b>Citations</b>	<b>17-Jul</b>	<b>17-Aug</b>	<b>17-Sep</b>	<b>17-Oct</b>	<b>17-Nov</b>	<b>17-Dec</b>	<b>18-Jan</b>	<b>18-Feb</b>	<b>18-Mar</b>	<b>18-Apr</b>	<b>18-May</b>	<b>18-Jun</b>	
Final Citations	20	23	35										78
Average Days to Complete****	48	63	27										46

**Disciplinary Orders Average Days to Complete \*\*\***

Measured by the date the complaint is received to the date the order became effective.

**Citations \*\*\*\***

Measured by the date the complaint is received to the date the citation was issued.

**AG Transmittal**

Average number of days to complete the Enforcement Process for cases investigated and transmitted to the AG for formal discipline within the referenced period.

**Post AG Transmittal**

The average number of days from the date the case is transmitted to the AG to the date of the case outcome or formal discipline effective date.

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## Law & Ethics Examination FAQs

### **Are all registrants required to take the California Law and Ethics examination?**

Yes, if you hold an ASW, AMFT or APCC registration you are required to take the examination a minimum of one time per renewal cycle until you pass the examination.

### **Do I have to pass the exam to be issued a subsequent registration?**

Yes, you must pass the exam. A subsequent registration cannot be issued until you pass the exam.

### **What is a renewal cycle?**

A renewal cycle is for a period of one year.  
Example: The registration expires 09/30/17, renewal cycle is from 10/01/17 to 09/30/18.

### **What happens if I don't take the California Law and Ethics examination before my registration's expiration date?**

Your registration will NOT be renewed until you have taken the examination.

### **What if I don't pass the California Law and Ethics examination before my registration expires?**

If you have taken the examination a minimum of one time during the renewal cycle and the renewal fee has been paid your registration will be renewed.

### **What happens if I submit my renewal early and haven't yet taken the California Law and Ethics examination?**

If you submit your registration renewal prior to the registration expiration date your registration will not renew until you have taken the examination.

### **Once I take the California Law and Ethics examination how long will it take for the registration to update?**

The Board receives examination results within 24-48 hours of the examination date. If the renewal fee has been paid the renewal will update as soon as the examination results are received.

### **What happens if I don't pass the California Law and Ethics examination?**

You may apply for re-examination immediately however, you may not retake the examination until a minimum of 90 days has passed from the date of your last examination.

### **When is the 12-hour course in California Law and Ethics examination required?**

If you fail to pass the examination prior to your registration expiration date, you are required to complete a 12-hour course in California Law and Ethics to regain eligibility to take the examination during your next renewal cycle. Proof of completion must be attached to the first re-examination application you submit after your last renewal date.

The 12-hour course in California Law and Ethics is required once per renewal cycle until a passing score is obtained.

### **Where can I take the 12-hour California Law and Ethics course from?**

The 12-hour California Law and Ethics course must be taken through an approved continuing education provider, a county, state or other governmental entity, or a college or university.

### **What happens if I'm required to take the 12-hour course but am unable to complete it before my registration expires?**

Your registration will NOT renew until you have completed the required course and taken the examination.

### **What is the waiting period between examination attempts? How many attempts will I have to pass the California Law and Ethics examination during a renewal cycle?**

You will be eligible to re-take examination after a 90-day waiting period, so long as an application for re-examination has been submitted to the Board along with the \$100 examination fee. You will have at least three (3) opportunities to pass the examination during each renewal cycle. To obtain the maximum number of attempts, you must submit a re-examination application to the Board in a timely manner.

### **What happens if I haven't passed the California Law and Ethics examination by my registration's 6-year time limit?**

Your registration cannot be renewed. A registration can't be renewed beyond six years from the last day of the month during which it was issued. A subsequent registration cannot be issued until the Law and Ethics examination is passed. There are no exceptions.

### **What happens once I pass the California Law and Ethics examination?**

If you are still earning your hours of supervised experience, you will continue as a registrant until you have completed your hours. Once you have met all education and experience requirements, you will receive an approval letter from the Board. Upon receipt of the approval letter you will then apply for the *Clinical Examination* to the appropriate entity for your license type. It is important to remember you must take the examination within one year of the approval. You will be required to take and pass either a California clinical or National clinical examination, as indicated below:

- LMFT: California Clinical examination
- LCSW: Association of Social Work Boards (ASWB) Clinical examination
- LPCC: National Board for Certified Counselors (NBCC)  
National Clinical Mental Health Counseling Examination (NCMHCE)

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

**To:** Steve Sodergren  
Assistant Executive Officer

**Date:** October 25, 2017

**From:** Gina Bayless  
Examination Unit Manager

**Subject:** LMFT Clinical Exam

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In response to the recent inquiries regarding the pass rate for the LMFT Clinical Exam I've provided the following explanation of the exam development process and statistics regarding the pass rate.

### **Examination Development**

The Board utilizes the expertise of the Office of Professional Examination Services (OPES) in the development of Board examinations.

OPES provides professional psychometric expertise in examination development and validation services to DCA's regulatory entities. OPES performs all aspects of the examination validation process, including occupational analyses, examination development, test scoring and statistical analyses, and audits. OPES follows the highest technical and professional standards in the industry and is committed to ensuring that examinations for licensure are psychometrically sound, job-related, and legally defensible.

The Board relies on a qualified pool of licensed Marriage and Family Therapists to participate in a variety of examination development workshops. In licensure examination development work, expert consultants are referred to as subject matter experts (SMEs). Their participation is essential to the development of licensure exams, and ensures that the exams accurately assess whether candidates possess the minimally acceptable knowledge, skills, and abilities necessary to perform tasks on the job safely and competently.

OPES exam development workshops bring together the professional knowledge and experience of expert consultants/SMEs, and the expertise of OPES exam development specialists. Approximately 38-40 examination development workshops are held each year specifically for BBS examinations. Separate workshops are conducted for:

- **Occupational analysis:** Identifying critical job tasks and required knowledge.
- **Item writing:** Creating new items.
- **Item review:** Revising new or poorly functioning items.

- **Exam construction:** Selecting items to construct a new exam version.
- **Setting a passing score:** Determining the passing score of an exam.

OPES exam development specialists begin each workshop by training SMEs in the required concepts, standards, and techniques. The exam development specialist serves as a facilitator, guide, and coach. Workshops are typically conducted on two consecutive eight-hour days at the OPES offices in Sacramento.

The exam development and score setting methodology that OPES utilizes is not unique to California. The criterion-referenced, also known as modified-Angoff, methodology is the industry standard utilized for state and National (ASWB, NBCC, and AMFTRB) examinations.

### **Passing Score**

Using a criterion-referenced methodology to determine the passing standard, a panel of SMEs consider various factors that contribute to minimum acceptable competence for practice (such as prerequisite qualifications, education, training, and experience), the difficulty of the issues addressed in each examination item, and implications for public health and safety. By adopting a criterion-referenced passing score, the Board applies the same minimum competence standards to all candidates. Because each version of the examination varies in difficulty, an important advantage of the criterion-referenced methodology is that the passing score can be modified to reflect subtle differences in difficulty from one examination to another, providing safeguards to both the candidate and the consumer.

The Board cannot provide a set passing score because again the passing score can vary across administrations based on the difficulty of the exam form.

Because multiple forms of the examination are used, “how close” a score is to passing may vary slightly across forms, but it is likely that between 1 and 10 additional questions should have been answered correctly to pass. A candidate who receives a form with a higher number of difficult questions will need to answer fewer questions correctly in order to pass than a candidate who receives a form with a higher number of less difficult questions.

As with any new exam it is necessary to conduct periodic exam analysis. OPES evaluates the statistical performance of each exam item to validate that items are performing as intended. Exam analysis is another safeguard to ensure the exam functions as intended and to ensure fairness to candidates in scoring.

When the analysis is concluded, a set passing score will be published but it is important to remember that this score only applies to the specific exam administered during the analysis period.

The Board has experienced an increase in inquiries from candidates that are confused by the exam analysis passing score disclosure because they are relying on a specific passing score as their guide or goal when taking future exams. Candidates are reminded that they are taking a different exam each time and the pass point varies for each exam.

## Examination Statistics

The LMFT Clinical Examination was introduced on January 1, 2016 as part of examination restructure. Prior to this date the LMFT examinations consisted of the Standard Written and the Written Clinical Vignette Examinations. On January 1, 2016 these exams were replaced with the LMFT Law and Ethics Examination and LMFT Clinical Examination.

The Standard Written Examination is most comparable to the current LMFT Clinical Examination because they share a similar format and content:

	CA Standard Written Examination	CA LMFT Clinical Examination	CA LMFT Clinical Vignette
<b>QUESTIONS</b>	175 Multiple Choice	150 Multiple Choice	30 Multiple Choice
<b>CONTENT AREAS:</b>			
Clinical Evaluation	20%	20%	20%
Crisis Management	12%	12%	12%
Treatment Planning	20%	20%	20%
Treatment	20%	20%	20%
Ethics	16%	16%	16%
Law	12%	12%	12%
<b>TIME</b>	4 Hours	4 Hours	2 Hours

The main differences between a clinical vignette item and a standard multiple-choice item found on the MFT Standard Written examination is that a clinical vignette may contain a series of items related to the same vignette, and the possible answers are longer and more complex, listing a sequence of actions or describing a process of applying knowledge.

Review of the LMFT Clinical Examination performance from January 1, 2017 to September 30, 2017 shows the passing rate for first time test takers has been between 56% and 61%. In 2016 the LMFT Clinical Examination passing rate for first time test takers was between 70% and 90%. It should be noted that the first quarter of 2016 reflected an unusual candidate pool with all being first time test takers. This anomaly could be attributed to changes in the exam eligibility business process that were necessitated because of new computer system designs put in place for the exam restructure.

The LMFT Standard Written Examination pass rate for first time test takers in 2015 was between 64% and 77%.

As you can see from the charts below, the current pass rate for the California LMFT Clinical Examination falls in line with the MFT National Examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB). The AMFTRB reported in its July 2016 – June 2017 Annual Report the passing rate ranges from 56% to 61%.

<b>LICENSED MARRIAGE FAMILY THERAPIST</b> <b>January – December 2017 (Quarterly)</b> <b>California Clinical Examination</b>								
	TOTAL EXAMINEES	PASSED	%PASS	FAIL	%FAIL	FIRST ATTEMPT	PASSED	%PASS
Jan-Mar	1028	531	52	497	48	826	463	56
Apr-June	1280	667	52	613	48	972	547	56
July-Sept	1273	732	58	541	42	889	539	61

<b>LICENSED MARRIAGE FAMILY THERAPIST</b> <b>January – December 2016 (Quarterly)</b> <b>California Clinical Examination</b>								
	TOTAL EXAMINEES	PASSED	%PASS	FAIL	%FAIL	FIRST ATTEMPT	PASSED	%PASS
Jan-Mar	237	213	90	24	10	237	213	90
Apr-June	708	563	80	145	20	701	558	80
July-Sept	1051	751	71	300	29	1037	744	72
Oct-Dec	1291	883	68	408	32	1188	827	70

<b>LICENSED MARRIAGE FAMILY THERAPIST</b> <b>January – December 2015 (Quarterly)</b> <b>California Standard Written Examination</b>								
	TOTAL EXAMINEES	PASSED	%PASS	FAIL	%FAIL	FIRST ATTEMPT	PASSED	%PASS
Jan-Mar	761	499	66	262	34	532	410	77
Apr-June	1148	757	66	391	34	806	618	77
July-Sept	1133	683	60	450	40	844	617	73
Oct-Dec	1228	657	54	571	46	904	576	64

<b>AMFTRB NATIONAL EXAMINATION</b> <b>July 2016 – June 2017 (Quarterly)</b>			
	TOTAL EXAMINEES*	PASSED	%PASS
July-Sept	785	476	61
Oct-Dec	803	453	56
Jan-Mar	726	418	58
Apr-June	880	526	60

*\*During this exam period 68% were taking the exam for the first time and 32% were repeat test takers.*

## **CONCLUSION**

All Board examinations are developed following the highest technical and professional standards in the industry and are psychometrically sound, job-related, and legally defensible.

The LMFT Clinical Examination measures the competencies required for independent practice. It is designed to measure those competencies at a level that SMEs agree is the minimum acceptable level for performance in the profession. Candidates are expected to have attained a broad basic knowledge of marital and family therapy regardless of their individual backgrounds. As with any high stakes exam there are numerous factors that can affect the pass rate however a passing score is required to demonstrate competency.

The Board will continue to work with OPES to explore avenues that will assist stakeholders in understanding the competency of the Board's exams.

Following are additional LMFT examination statistics.

<b>LICENSED MARRIAGE FAMILY THERAPIST January – December 2017 (Monthly) California Clinical Examination</b>								
	<b>TOTAL EXAMINEES</b>	<b>PASSED</b>	<b>%PASS</b>	<b>FAIL</b>	<b>%FAIL</b>	<b>FIRST ATTEMPT</b>	<b>PASSED</b>	<b>%PASS</b>
<b>January</b>	242	134	55	108	45	198	114	58
<b>February</b>	340	170	50	170	50	279	154	55
<b>March</b>	446	227	51	219	49	349	195	56
<b>April</b>	365	180	49	185	51	280	145	52
<b>May</b>	442	226	51	216	49	344	193	56
<b>June</b>	473	261	55	212	45	348	209	60
<b>July</b>	503	262	52	241	48	354	200	56
<b>August</b>	385	232	60	153	40	267	168	63
<b>September</b>	385	238	62	147	38	268	171	64

<b>LICENSED MARRIAGE FAMILY THERAPIST January – December 2016 (Monthly) California Clinical Examination</b>								
	<b>TOTAL EXAMINEES</b>	<b>PASSED</b>	<b>%PASS</b>	<b>FAIL</b>	<b>%FAIL</b>	<b>FIRST ATTEMPT</b>	<b>PASSED</b>	<b>%PASS</b>
<b>January</b>	10	7	70	3	30	10	7	70
<b>February</b>	28	23	82	5	18	28	23	82
<b>March</b>	189	174	92	15	8	189	174	92
<b>April</b>	139	106	76	33	24	136	103	76
<b>May</b>	193	152	79	41	21	191	150	79
<b>June</b>	376	305	81	71	19	374	305	82
<b>July</b>	458	351	77	107	23	454	349	77
<b>August</b>	251	155	62	96	38	245	153	62
<b>September</b>	342	245	72	97	28	338	242	72
<b>October</b>	393	272	69	121	31	367	257	70
<b>November</b>	635	447	70	188	30	588	419	71
<b>December</b>	263	164	62	99	38	233	151	65

<b>LICENSED MARRIAGE FAMILY THERAPIST</b> <b>January – December 2015 (Monthly)</b> <b>California Standard Written Examination</b>								
	TOTAL EXAMINEES	PASSED	%PASS	FAIL	%FAIL	FIRST ATTEMPT	PASSED	%PASS
January	182	118	65	64	35	121	93	77
February	258	169	66	89	34	187	144	77
March	321	212	66	109	34	224	173	77
April	360	245	68	115	32	256	207	81
May	372	235	63	137	37	245	180	73
June	416	277	67	139	33	305	231	76
July	328	192	59	136	41	244	175	72
August	352	213	61	139	39	249	189	76
September	433	270	62	163	38	336	246	73
October	588	355	60	233	40	468	320	68
November	640	302	47	338	53	436	256	59
December*	0	0	0	0	0	0	0	0

\*No exams due to exam restructure

<b>LICENSED MARRIAGE FAMILY THERAPIST</b> <b>January – December 2015 (Monthly)</b> <b>Clinical Vignette Written Examination</b>								
	TOTAL EXAMINEES	PASSED	%PASS	FAIL	%FAIL	FIRST ATTEMPT	PASSED	%PASS
January	96	84	88	12	13	88	79	90
February	197	168	85	29	15	175	154	88
March	222	196	88	26	12	190	170	89
April	257	219	85	38	15	229	195	85
May	238	203	85	35	15	201	173	86
June	311	266	86	45	14	256	226	88
July	252	191	76	61	24	203	166	82
August	219	166	76	53	24	187	148	79
September	209	152	73	57	27	173	133	77
October	292	216	74	76	26	244	192	79
November	926	674	73	252	27	809	619	77
December*	0	0	0	0	0	0	0	0

\*No exams due to exam restructure



**LICENSED MARRIAGE FAMILY THERAPIST  
January – December 2015 (Quarterly)  
Clinical Vignette Written Examination**

	<b>TOTAL EXAMINEES</b>	<b>PASSED</b>	<b>%PASS</b>	<b>FAIL</b>	<b>%FAIL</b>	<b>FIRST ATTEMPT</b>	<b>PASSED</b>	<b>%PASS</b>
<b>Jan-Mar</b>	515	448	87	67	13	453	403	89
<b>Apr-June</b>	806	688	85	118	15	686	594	87
<b>July-Sept</b>	691	518	75	173	25	573	456	80
<b>Oct-Dec</b>	1218	890	73	328	27	1053	811	77

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**To:** Board Members

**Date:** October 25, 2017

**From:** Laurie Williams  
Human Resources Liaison

**Telephone:** (916) 574-7830

**Subject:** Personnel Update

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### **New Employees**

Office Technician (OT) / Cashiering – Angel Quintero has accepted the Board's employment offer and his first day with the Board was September 11, 2017. Mr. Quintero will perform the duties of a cashier. Mr. Quintero is new to state service and worked in the private sector as a Call Center Agent and a Job Coach.

### **Vacancies**

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

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

Office Technician (OT) / Enforcement – This position receives and completes the initial review of subsequent arrest notifications and provides clerical support to the Criminal Conviction & Probation Unit / Enforcement. The hiring manager did not find a successful candidate from the applicants interviewed and has chosen to hold off on hiring for this vacancy.

Management Services Technician (MST) / Licensing – This position will perform the duties related to the Licensed Marriage and Family Therapist (LMFT) as a Licensing Evaluator. The hiring manager has made a tentative offer to the selected candidate and the Board is awaiting fingerprint clearance.

Management Services Technician (MST) / Licensing (Part-time 0.5) – This position will perform the duties related to the Licensed Clinical Social Worker (LCSW) as a Licensing Evaluator. The job posting for this vacancy is currently being advertised and the hiring manager will review the applications received in the coming weeks.

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**To:** Board Members **Date:** October 25, 2017  
**From:** Rosanne Helms **Telephone:** (916) 574-7897  
Legislative Analyst  
**Subject: Update on Data Collection to Study Trainees Paying for their Supervision and Practicum Placements**

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At its May 2017 meeting, Dr. Benjamin Caldwell presented the Board with evidence that some practicum sites, particularly those in the Los Angeles area, are beginning to charge trainees fees to volunteer with their organization, or fees for supervision.

Dr. Caldwell offered the following key points in his presentation:

- Fees at some sites range from \$700-\$1,200 per year.
- Sites that charge these fees note the cost of training and supervision, and some sites argue that they would stop using trainees if they could not collect the fees.
- Although charging these fees are likely legal, charging for supervision may violate some professional associations' ethical codes.

The Board directed staff to research this issue further and report back.

### **Exempt Setting Committee Survey**

The Board's Exempt Setting Committee recently conducted a broader survey of trainee practice settings, and is in the process of analyzing the results. One of the questions included in that survey asked if any of the school's practicum sites require students to pay fees directly to a site.

The survey, sent out this past summer, was sent to schools with a degree program intended to lead to licensure with the Board. It asked that only one educator per degree program complete the survey, and requested that the responding educator be directly involved in coordinating student placements.

The results of the question regarding student fee payment to practicum sites is shown in **Attachment A**. Of the 76 respondents, just under 70% indicated that their practicum sites do not require students to pay a fee. However, 17% indicated a supervision fee, and 17% indicated a training fee. Nearly 8% indicated another type of fee (such as a fingerprinting fee).

### **Proposed Follow-Up Survey of Education Programs**

Staff believes it would be helpful to conduct a follow-up survey to provide the Board with more information about practicum sites that are charging fees. A follow-up survey could determine how prevalent trainee fees are, the range of fees being charged per trainee, the justifications typically used, and whether the school ever absorbs the fee for the students.

**Attachment B** shows the draft school survey. To ensure that the survey is as comprehensive as possible, staff is requesting Board and stakeholder feedback.

### **Board of Psychology Regulations**

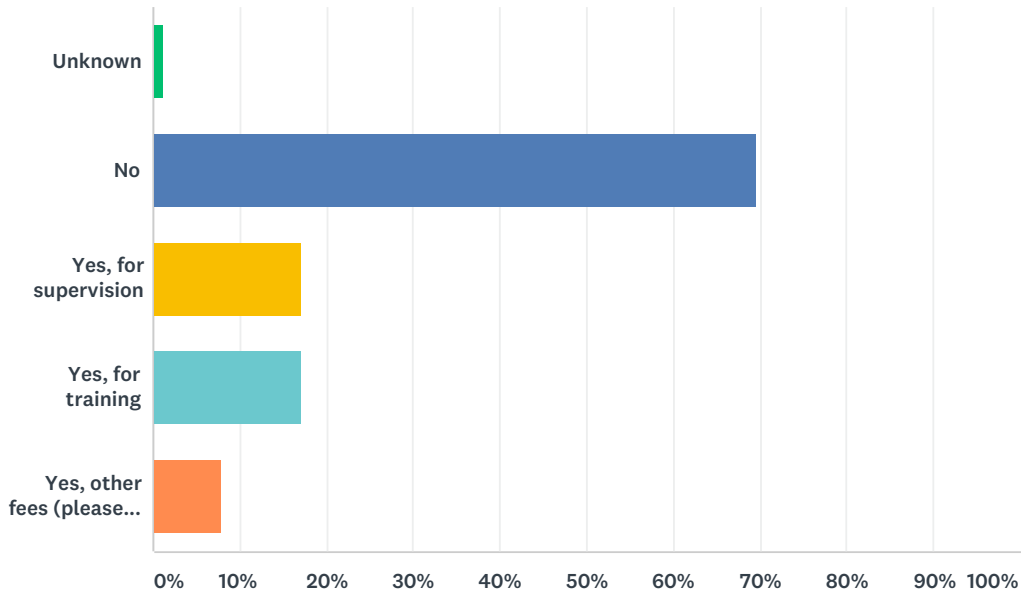
The Board of Psychology's regulations prohibit any individual gaining supervised professional experience toward licensure to be supervised by a person whom they have paid for that supervision. (California Code of Regulations Title 16, Section 1387(b)(8), shown in **Attachment C**).

### **Recommendation**

Conduct an open discussion on the Exempt Setting Survey findings (**Attachment A**) and the proposed follow-up survey questions (**Attachment B**) to determine the desired next steps.

**Q4 Do any of your practicum or field study sites require students to pay fees directly to the site? (Mark all that apply)**

Answered: 76 Skipped: 0



ANSWER CHOICES	RESPONSES
Unknown	1.32% 1
No	69.74% 53
Yes, for supervision	17.11% 13
Yes, for training	17.11% 13
Yes, other fees (please specify what the other fees pay for)	7.89% 6
Total Respondents: 76	

#	YES, OTHER FEES (PLEASE SPECIFY WHAT THE OTHER FEES PAY FOR)	DATE
1	livescan	9/14/2017 1:40 PM
2	Additional supervision beyond the minimum requirement	9/13/2017 5:53 PM
3	Fingerprints, etc	8/17/2017 4:54 PM
4	fingerprinting, shot records.	8/1/2017 11:27 AM
5	This only takes place for the infrequent training institute that an occasional student really wants to study at. Very rare though.	7/28/2017 8:59 AM
6	one site only	7/27/2017 9:38 AM

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**Attachment B**  
**Proposed Survey (Draft Version)**



Trainee Fees for Required Practicum and/or Supervision

Please answer the following questions about your school's practicum sites.

\* 1. Does your school utilize any practicum sites that charge fees for trainees to work at the site, or for their supervision?

- Does not charge any fees.
- Charges fees to work at site.
- Charges fees for supervision.
- Charges other fees (please specify)

2. If a fee is charged by the practicum site, how is it paid?

- The school pays the fee, with zero cost to the trainee.
- The school pays the fee, and it is passed along to the trainee indirectly via tuition or other degree program costs
- The trainee pays the fee directly to the practicum site.

3. If the trainee must pay a fee directly to the practicum site, when is he or she informed?

- Prior to enrollment in the degree program.
- Prior to the beginning of practicum.
- When choosing a practicum site.
- When he or she begins work at the practicum site.

4. If the trainee must pay a fee directly to the practicum site, how is he or she informed?

- Given verbal notice.
- Given written notice.
- Both.

\* 5. How many of your school's practicum sites charge fees directly to trainees?

6. For each of your practicum sites that directly charge trainees a fee, please list each type of fee charged, and the amount. (For example: Site 1 - Training Fee \$100 per month, Supervision Fee \$100 per month)

\* 7. Do your students have the option to work for a practicum site that does not charge them fees?

Yes

No

\* 8. Approximately what percentage of your trainees in practicum are directly paying a fee to work at their practicum site?

9. Of your practicum sites that charge a fee, in which counties are they located?

10. Has your school encountered any students who were unable to proceed with completing their degree as a direct result of being unable to pay a practicum site?

On average, how many students per year are affected?

How is this situation typically handled?

11. What justifications do your practicum sites use for charging trainees a fee?

12. If your school pays fees to a practicum site in lieu of the trainees paying the site directly, please describe how this works (is it passed along, absorbed, etc.), and list the amount paid by the school for each student.

# Attachment C

## Board of Psychology Regulations

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**WESTLAW** California Code of Regulations

[Home](#) [Table of Contents](#)

### § 1387. Supervised Professional Experience.

16 CA ADC § 1387

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)  
Title 16. Professional and Vocational Regulations  
Division 13.1. Board of Psychology  
Article 3. Education and Experience

16 CCR § 1387

### § 1387. Supervised Professional Experience.

This section applies to all trainees, pre- or post-doctoral, who intend for hours of supervised professional experience (SPE) to count toward meeting the licensing requirement stated in section 2914(c) of the Business and Professions Code. Those trainees accruing hours of supervised experience in areas of psychology that do not include direct mental health services should refer to section 1387.3 for information on establishing an alternate plan for SPE.

SPE is defined as an organized program that consists of a planned, structured and administered sequence of professionally supervised comprehensive clinical training experiences. SPE shall have a logical training sequence that builds upon the skills and competencies of trainees to prepare them for the independent practice of psychology once they become licensed.

SPE shall include socialization into the profession of psychology and shall be augmented by integrated modalities including mentoring, didactic exposure, role-modeling, enactment, observational/ vicarious learning, and consultative guidance.

SPE shall include activities which address the integration of psychological concepts and current and evolving scientific knowledge, principles, and theories to the professional delivery of psychological services to the consumer public.

SPE shall include only the time spent by the trainee engaged in psychological activities that directly serve to prepare the trainee for the independent practice of psychology once licensed. SPE shall not include custodial tasks such as filing, transcribing or other clerical duties.

The term "trainee" as used in these regulations means a psychology trainee working under one of the conditions listed in subsections (a)(1) and (a)(2) of this section.

(a) Pursuant to section 2914(c) of the code, two years of qualifying SPE shall be completed and documented prior to licensure. One year of SPE shall be defined as 1500 hours. At least one year of SPE shall be completed postdoctorally. Each year of SPE shall be completed within a thirty (30) consecutive month period. If both years of SPE (3000 hours) are completed postdoctorally, they shall be completed within a sixty (60) month period. Upon showing of good cause as determined by the board, these specified time limitations may be reasonably modified.

(1) Predoctoral SPE: Up to 1500 hours of SPE may be accrued predoctorally but only after completion of 48 semester/trimester or 72 quarter units of graduate coursework in psychology not including thesis, internship or dissertation. Predoctoral SPE may be accrued only as follows:

(A) In a formal internship placement pursuant to section 2911 of the code, which is accredited by the American Psychological Association (APA), or which is a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC) or the California Psychology Internship Council (CAPIC) and registration with the board is not required. A formal internship placement that actually began prior to January 1, 2007 that meets the membership requirements of, but is not a member of, APPIC or CAPIC will satisfy the requirements of this section; or

(B) As an employee of an exempt setting pursuant to section 2910 of the code and registration with the board is not required; or

(C) As a psychological assistant pursuant to section 2913 of the code and registration with the board prior to commencing work is required; or

(D) Pursuant to a Department of Mental Health Waiver (5751.2 Welfare and Institutions Code) for which registration with the board is not required.

(2) Postdoctoral SPE: At least 1500 hours of SPE shall be accrued postdoctorally. "Postdoctorally" means after the date certified as "meeting all the requirements for the doctoral degree" by the Registrar or Dean of the educational institution, or by the Director of Training of the doctoral program. Postdoctoral SPE may be accrued only as follows:

(A) For postdoctoral SPE accrued on or after January 1, 2006, in a formal postdoctoral training program pursuant to section 2911 of the code, which is accredited by the American Psychological Association (APA), or which is a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC) or the California Psychology Internship Council (CAPIC) and registration with the board is not required; or

(B) As a registered psychologist pursuant to section 2909(d) of the code and registration with the board prior to commencing work is required; or

(C) As an employee of an exempt setting pursuant to section 2910 of the code and registration with the board is not required; or

(D) As a psychological assistant pursuant to section 2913 of the code and registration with the board prior to commencing work is required; or

(E) Pursuant to a Department of Mental Health Waiver (5751.2 Welfare and Institutions Code) for which registration with the board is not required.

(b) Supervision Requirements:

(1) Primary supervisors shall meet the requirements set forth in section 1387.1.

(2) Delegated supervisors shall meet the requirements set forth in section 1387.2.

(3) Trainees shall have no proprietary interest in the business of the primary or delegated supervisor(s) and shall not serve in any capacity which would hold influence over the primary or delegated supervisor(s)' judgment in providing supervision.

(4) Trainees shall be provided with supervision for 10% of the total time worked each week. At least one hour per week shall be face-to-face, direct, individual supervision with the primary supervisor.

(5) A maximum of forty four (44) hours per week will be credited toward meeting the SPE requirement. This shall include the required 10% supervision.

(6) The primary supervisor shall be employed by the same work setting as the trainee and be available to the trainee 100% of the time the trainee is accruing SPE. This availability may be in-person, by telephone, by pager or by other appropriate technology.

(7) Primary supervisors shall ensure that a plan is in place to protect the patient/client in the event a patient/client crisis or emergency occurs during any time the supervisor is not physically present at the established site at which the trainee is working. The primary supervisor shall ensure that the trainee thoroughly understands the plan in the event of a crisis/emergency.

(8) SPE shall not be obtained from supervisors who have received payment, monetary or otherwise, from the trainee for the purpose of providing such supervision.

(9) SPE gained while the trainee is functioning under another mental health license shall not be credited toward meeting the requirements for the psychologist's license.

(10) Prior to the start of the experience, the primary supervisor and the supervisee shall together prepare an agreement that outlines the structure and sequence

of the planned program of supervision to accomplish the goals and objectives of the experience. Hours accrued prior to preparing such an agreement results in those hours not counting toward the licensure requirements. The original agreement shall accompany the application for registration, if any, and identify at least the following:

- Name, license number and signature of primary supervisor;
- Name and signature of supervisee;
- Statutory authority under which the supervisee will function;
- Start date of the experience and the anticipated completion date;
- Duties to be performed in a sequential structured plan as defined in this section;
- Address of the locations at which the duties will be performed;
- Goals and objectives of the plan for SPE, including how socialization into the profession will be achieved; and
- How and when the supervisor will provide periodic assessments and feedback to the supervisee as to whether or not he or she is performing as expected.

Additionally, the agreement shall reflect that both supervisor and supervisee have discussed and understand each term of SPE as required by the California Code of Regulations.

(11) Once the SPE outlined in the agreement has been completed, the primary supervisor shall submit to the supervisee both the agreement, unless previously submitted to the Board pursuant to Section 1387(b)(10), and a verification of experience form signed by the primary supervisor under penalty of perjury, in a sealed envelope, signed across the seal for submission to the Board by the supervisee along with his or her application. The verification shall certify to completion of the hours consistent with the terms of the agreement. The supervisor must indicate, in his or her best professional judgment, whether the supervisee demonstrated an overall performance at or above the level of competence expected for the supervisee's level of education, training and experience. When SPE is accrued in a formal pre-doctoral internship or postdoctoral training program, the program's training director shall be authorized to perform the verification and rating duties of the primary supervisor provided that the internship training director is a licensed psychologist who possesses a valid, active license free of any disciplinary action.

If the SPE is not consistent with the terms of the agreement, or if the supervisee did not demonstrate an overall performance at or above the level of competence expected for the supervisee's level of education, training and experience, then the hours accrued will not count toward the licensure requirements.

(c) Delegated Supervision Requirements:

(1) Except as provided in section 1391.5, which regulates the supervision of psychological assistants, primary supervisors may delegate supervision to other qualified psychologists or to other qualified mental health professionals including licensed marriage and family therapists, licensed educational psychologists, licensed clinical social workers and board certified psychiatrists.

(2) The primary supervisor remains responsible for providing the minimum one hour per week of direct, individual face-to-face supervision.

(3) The primary supervisor remains responsible for ensuring compliance with this section.

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2911 and 2914, Business and Professions Code.

#### HISTORY

1. New section filed 7-6-2000; operative 8-5-2000 (Register 2000, No. 27). For prior history see Register 93, No. 34.
2. Editorial correction deleting former section 1387 "Revised Criteria for Evaluation of Experience" which expired by its own term effective 12-31-2000 (Register 2003, No. 1).
3. Amendment filed 12-16-2004; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2004, No. 51).
4. New fifth and seventh paragraphs and amendment of subsection (b)(10) filed 7-28-2005; operative 8-27-2005 (Register 2005, No. 30).
5. Repealer of sixth paragraph, amendment of subsection (a)(1)(A), new subsection (a)(2)(A), subsection relettering, amendment of subsections (b)(9)-(10) and amendment of Note filed 4-27-2007; operative 5-27-2007 (Register 2007, No. 17).
6. Amendment of subsection (a)(2)(A) filed 12-30-2008; operative 12-30-2008 pursuant to Government Code section 11343.4 (Register 2009, No. 1).
7. Amendment of subsection (b)(10) and new subsection (b)(11) filed 7-24-2009; operative 8-23-2009 (Register 2009, No. 30).
8. Change without regulatory effect amending subsection (b)(11) filed 10-20-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 43).
9. Change without regulatory effect amending subsection (b)(9) filed 1-21-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 4).
10. Amendment of subsection (b)(10), repealer and new subsection (b)(11) and amendment of subsection (c)(1) filed 6-5-2017; operative 10-1-2017 (Register 2017, No. 23).

This database is current through 10/6/17 Register 2017, No. 40

16 CCR § 1387, 16 CA ADC § 1387

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**To:** Board Members

**Date:** October 23, 2017

**From:** Rosanne Helms  
Legislative Analyst

**Telephone:** (916) 574-7897

**Subject: Proposed 2018 Omnibus Legislation**

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Upon review, staff has determined that several sections of the Business and Professions Code (BPC) pertaining to the Board of Behavioral Sciences require amendments. The proposed amendments are as follows:

**1. Amend BPC Section 27 – Disclosure of Information on Licensees and Registrants**

Background: BPC §27 requires boards and bureaus under the Department of Consumer Affairs (DCA) to disclose certain specified information. For most boards and bureaus that register pre-licensees, the law states that information must be disclosed on licensees and registrants. However, registrants are not mentioned in this Board's subsection.

Recommendation: Amend BPC §27(c)(14) to state that "The Board of Behavioral Sciences shall disclose information on its licensees and registrants."

**2. Amend BPC Sections 865, 2290.5, 4990.30, 4999.14, 4999.22, 4999.48, 4999.100, and Family Code Section 6924 – Changing "Intern" title to "Associate"**

Background: Legislation was signed in 2016 to change the "intern" title to "associate" for LMFT and LPCC registrants effective January 1, 2018.

Last year, general language was placed in the law stating that any reference to an "intern" shall be deemed a reference to an "associate," and staff began the process of making the title change in code sections that were already being amended in active legislation.

These amendments complete the title change in sections that were not affected by legislation last year.

Recommendation: Change the term "intern" to "associate" in sections where the change was not made via legislation last year.

**3. Amend BPC Sections 4980.37, 4980.39, 4980.41, and 4999.32 – Remove Expiration Date for Accepting Degrees Begun Prior to August 1, 2012 and Completed Before December 31, 2018**

Background: Educational requirements for degrees begun after August 1, 2012 or completed after December 31, 2018, are specified in BPC sections 4980.36 and 4999.33 for LMFT and LPCC applicants, respectively (new education requirements). However, the educational requirements for older degrees, contained in BPC sections 4980.37, 4980.39, and 4980.41 (for LMFT applicants) and section 4999.32 (for LPCC applicants) are still specified in law, because applicants with these older degrees will continue to apply for licensure (often because they are coming here from out-of-state, but sometimes because they need a new registration number, or took a break for a while).

Sections 4980.37, 4980.39, 4980.41, and 4999.32 are set to repeal on January 1, 2019. If that were to happen, then applicants with older degrees would need to meet the educational requirements of sections 4980.36 and 4999.33.

Staff does not believe it was the intent of the Board, when it ran legislation in 2009 to change the educational requirements for a license, to require older degrees to meet new requirements. Doing so would be exceptionally burdensome, because degree requirements have been increased from 48 to 60 semester units, and practicum hours (which cannot be remediated outside of the degree program) have also increased.

Staff believes the intent of the Board at the time it changed the educational requirements was to have schools phase-in the new education requirements based on when the applicant started school, but not to eliminate an applicant's ability to apply for licensure a few years down the road if they graduated under the older program. For these reasons, staff recommends striking the 2019 sunset date in the above-mentioned sections.

Recommendation: Amend sections 4980.37, 4980.39, 4980.41 and 4999.32 to strike the January 1, 2019 sunset date.

**4. Amend BPC Sections 4980.72, 4996.17, and 4999.60 – Acceptance of Clinical Exam Score from an Out-of-State Applicant**

Background: These code sections allow an applicant who obtained a license or registration in another jurisdiction to apply for licensure with the Board without taking the clinical exam if the applicant has already passed the clinical exam that is accepted by the Board, and if the out-of-state license or registration is active and in good standing.

The law currently allows the applicant to “apply for licensure” if the above conditions are met, but it would be more accurate to state that they may “qualify for licensure”.

Recommendation: Amend the term “apply for licensure” to “qualify for licensure.”

**5. Amend BPC Sections 4980.78, 4980.79, 4999.62, and 4999.63 – Reference to “Supervised” Practicum for Out-of-State Applicants**

Background: LMFT law for in-state applicants states that practicum must be “supervised.” LPCC law for in-state applicants references practicum as “supervised practicum or field study experience” (BPC §§4980.36, 4980.37, 4999.32, and 4999.33). However, the out-of-state education requirements simply mention “practicum,” and do not refer to practicum using the same terms as used for in-state applicants.

Recommendation: Amend the references to practicum in the LMFT and LPCC out-of-state

education requirements so that they match the references to practicum used for the in-state requirements.

## **6. Amend BPC Section 4992 – Minor Technical Changes**

**Background:** This section contains a date reference that is obsolete. Staff also believes some references to the examination need minor adjustments. Under the examination restructure, the California law and ethics exam is now taken during registration. However, it is possible that an out-of-state applicant may apply for licensure without having taken the law and ethics exam, if he or she does not need to register as an intern to gain experience hours. Minor amendments are needed to account for this scenario

**Recommendation:** Make the following amendments to BPC §4992:

*Every applicant for a license under this chapter shall file an application with the board accompanied by the application fee prescribed by this chapter. Every application ~~received after January 1, 1988~~, shall also be accompanied by the applicable examination fee prescribed by this chapter.*

*The application shall contain information showing that the applicant has all the qualifications required by the board for admission to ~~the~~an examination.*

### **Additional Amendments Proposed by Psychology Board**

The Psychology Board (BOP) plans to propose amendments updating BPC sections 337 and 728 in this year's omnibus bill. These sections discuss the requirement that a psychotherapist who becomes aware that a patient had sexual contact with his or her previous psychotherapist must provide that patient with a brochure detailing his or her rights in that situation. Because this Board and Medical Board are also affected by these sections, the BOP has requested your input and approval.

### **Policy and Advocacy Committee Meeting**

At its October 20, 2017 meeting, the Policy and Advocacy Committee directed staff to submit the proposed language to the Board for consideration as a legislative proposal.

### **Recommendation**

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and pursue as a legislative proposal.

### **Attachments**

**Attachment A:** Proposed Language

**Attachment B:** Psychology Board Proposed Language to BPC §§337 and 728

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**ATTACHMENT A**  
**2018 OMNIBUS BILL**  
**PROPOSED LANGUAGE**

*(Note: Language updated 10/23/17 to account for chaptered bills)*

**AMEND Business and Professions Code (BPC) §27. PUBLIC INFORMATION**

(a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and

funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees and registrants, ~~including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.~~

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information on its licensees and registrants.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(18) The Veterinary Medical Board shall disclose information on its licensees, registrants, and permitholders.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Cannabis Regulation shall disclose information on its licensees.

(g) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of

subdivision (f) of Section 17538.

### **AMEND BPC §865. DEFINITION OF SEXUAL ORIENTATION CHANGE EFFORTS**

For the purposes of this article, the following terms shall have the following meanings:

(a) “Mental health provider” means a physician and surgeon specializing in the practice of psychiatry, a psychologist, a psychological assistant, intern, or trainee, a licensed marriage and family therapist, a registered [associate](#) marriage and family therapist, ~~intern, or a marriage and family therapist~~ trainee, a licensed educational psychologist, a credentialed school psychologist, a licensed clinical social worker, an associate clinical social worker, a licensed professional clinical counselor, a registered [associate professional](#) clinical counselor, ~~intern, or a professional clinical counselor~~ trainee, or any other person designated as a mental health professional under California law or regulation.

(b) (1) “Sexual orientation change efforts” means any practices by mental health providers that seek to change an individual’s sexual orientation. This includes efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.

(2) “Sexual orientation change efforts” does not include psychotherapies that: (A) provide acceptance, support, and understanding of clients or the facilitation of clients’ coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and (B) do not seek to change sexual orientation.

### **AMEND BPC §2290.5. TELEHEALTH; CONSENT REQUIREMENTS; EFFECT OF NONCOMPLIANCE ON HEALTH PRACTITIONER**

(a) For purposes of this division, the following definitions shall apply:

(1) “Asynchronous store and forward” means the transmission of a patient’s medical information from an originating site to the health care provider at a distant site without the presence of the patient.

(2) “Distant site” means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) “Health care provider” means either of the following:

(A) A person who is licensed under this division.

(B) An [associate](#) marriage and family therapist ~~intern~~ or [marriage and family therapist](#) trainee functioning pursuant to Section 4980.43.

(4) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.

(5) "Synchronous interaction" means a real-time interaction between a patient and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while the patient is at the originating site and the health care provider is at a distant site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Prior to the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.

(c) Nothing in this section shall preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.

(d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of health care information and a patient's rights to his or her medical information shall apply to telehealth interactions.

(g) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(h) (1) Notwithstanding any other provision of law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).

(3) For the purposes of this subdivision, "telehealth" shall include "telemedicine" as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

**AMEND BPC §4980.37. QUALIFYING DEGREE PROGRAM FOR LICENSURE OR REGISTRATION; BEGINNING GRADUATE STUDY BEFORE AUGUST 1, 2012 AND COMPLETING GRADUATE STUDY BEFORE DECEMBER 31, 2018**

(a) This section shall apply to applicants for licensure or registration who ~~begin~~began graduate study before August 1, 2012, and ~~complete~~completed that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4980.36.

(b) To qualify for a license or registration, applicants shall possess a doctor's or master's degree in marriage, family, and child counseling, marriage and family therapy, couple and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education or approved by the Bureau for Private Postsecondary Education. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval. In order to qualify for licensure pursuant to this section, a doctor's or master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. This instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment. The coursework shall include all of the following areas:

(1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment.

(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect on individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, abuse and neglect of older and dependent adults, and geropsychology.

(4) A variety of approaches to the treatment of children.

The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(c) (1) In addition to the 12 semester or 18 quarter units of coursework specified in subdivision (b), the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic technique, assessments,

diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(d) As an alternative to meeting the qualifications specified in subdivision (b), the board shall accept as equivalent degrees those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(e) In order to provide an integrated course of study and appropriate professional training, while allowing for innovation and individuality in the education of marriage and family therapists, a degree program that meets the educational qualifications for licensure or registration under this section shall do all of the following:

(1) Provide an integrated course of study that trains students generally in the diagnosis, assessment, prognosis, and treatment of mental disorders.

(2) Prepare students to be familiar with the broad range of matters that may arise within marriage and family relationships.

(3) Train students specifically in the application of marriage and family relationship counseling principles and methods.

(4) Encourage students to develop those personal qualities that are intimately related to the counseling situation such as integrity, sensitivity, flexibility, insight, compassion, and personal presence.

(5) Teach students a variety of effective psychotherapeutic techniques and modalities that may be utilized to improve, restore, or maintain healthy individual, couple, and family relationships.

(6) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists.

(7) Prepare students to be familiar with cross-cultural mores and values, including a familiarity with the wide range of racial and ethnic backgrounds common among California's population, including, but not limited to, Blacks, Hispanics, Asians, and Native Americans.

(f) Educational institutions are encouraged to design the practicum required by this section to include marriage and family therapy experience in low income and multicultural mental health settings.

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

**AMEND BPC §4980.39. ADDITIONAL COURSEWORK; INOPERATIVE JANUARY 1, 2019**

(a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

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

**AMEND BPC §4980.41. ELIGIBILITY TO SIT FOR LICENSING EXAMINATIONS; COURSEWORK OR TRAINING; INOPERATIVE JANUARY 1, 2019**

(a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete the following coursework or training in order to be eligible to sit for the licensing examinations as specified in subdivision (d) of Section 4980.40:

(1) A two semester or three quarter unit course in California law and professional ethics for marriage and family therapists, which shall include, but not be limited to, the following areas of study:

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

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

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

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

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.

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

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

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

(4) For persons who began graduate study on or after January 1, 1986, a master's or doctor's degree qualifying for licensure shall include specific instruction in alcoholism and other chemical substance dependency as specified by regulation. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.37. Coursework required under this paragraph may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The applicant may satisfy this requirement by successfully completing this coursework from a master's or doctoral degree program at an accredited or approved institution, as described in subdivision (b) of Section 4980.37, or from a board-accepted provider of continuing education, as described in Section 4980.54.

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



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

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

(8) The requirements added by paragraphs (6) and (7) are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice and are not intended in any way to expand or restrict the scope of practice for licensed marriage and family therapists.

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

#### **AMEND BPC §4980.72.**

(a) This section applies to a person who is licensed outside of California and applies for licensure on or after January 1, 2016.

(b) 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 valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country, if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4980.79. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(2) The applicant complies with Section 4980.76, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a marriage and family therapist shall be accepted at a rate of 100 hours per month, up to a maximum of 1,200 hours, if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4980.79 without exemptions or remediation.

(4) The applicant passes the California law and ethics examination.

(5) The applicant passes a clinical examination designated by the board. An applicant who obtained his or her license or registration under another jurisdiction may [apply/qualify](#) for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

**AMEND BPC §4980.78. SUBSTANTIALLY EQUIVALENT EDUCATION;  
COURSEWORK REQUIRED OF APPLICANTS NOT LICENSED OUTSIDE OF  
CALIFORNIA**

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who do not hold a license as described in Section 4980.72.

(b) For purposes of Section 4980.74, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.

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

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester units or 72 quarter units of instruction.

(C) Six semester or nine quarter units of [supervised](#) practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

(D) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) The applicant shall complete coursework in California law and ethics as follows:

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

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall contain content specific to California law and ethics. This coursework shall be completed prior to registration as an intern.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

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

(5) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an intern, unless otherwise specified.

(6) The applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.

## **AMEND BPC §4980.79. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS LICENSED OUTSIDE OF CALIFORNIA**

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who hold a license as described in Section 4980.72.

(b) For purposes of Section 4980.72, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from a school, college, or university accredited by a regional or national institutional accrediting agency recognized by the United States Department of Education and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.

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

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester or 72 quarter units of instruction.

(C) Six semester or nine quarter units of [supervised](#) practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

(i) An out-of-state applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the [supervised](#) practicum requirement, shall remediate it by obtaining 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy. These hours are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while registered as an intern.

(D) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) An applicant shall complete coursework in California law and ethics as follows:

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

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall include content specific to California law and ethics. An applicant shall complete this coursework prior to registration as an intern.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) above, from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction pertaining to the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

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

(5) An applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.

(6) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an intern, unless otherwise specified.

## **AMEND BPC §4990.30. PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY**

(a) A licensed marriage and family therapist, associate marriage and family therapist ~~intern~~, licensed clinical social worker, associate clinical social worker, licensed professional clinical counselor, associate professional clinical counselor ~~intern~~, or licensed educational psychologist whose license or registration has been revoked, suspended, or placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation. The petition shall be on a form provided by the board and shall state any facts and information as may be required by the board including, but not limited to, proof of compliance with the terms and conditions of the underlying disciplinary order. The petition shall be verified by the petitioner who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.

(b) The licensee or registrant may file the petition on or after the expiration of the following timeframes, each of which commences on the effective date of the decision ordering the disciplinary action or, if the order of the board, or any portion of it, is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) Three years for reinstatement of a license or registration that was revoked for unprofessional conduct, except that the board may, in its sole discretion, specify in its revocation order that a petition for reinstatement may be filed after two years.

(2) Two years for early termination of any probation period of three years or more.

(3) One year for modification of a condition, reinstatement of a license or registration revoked for mental or physical illness, or termination of probation of less than three years.

(c) The petition may be heard by the board itself or the board may assign the petition to an administrative law judge pursuant to Section 11512 of the Government Code.

(d) The petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets.

(e) The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition and an opportunity to present both oral and documentary evidence and argument to the board or the administrative law judge.

(f) The petitioner shall at all times have the burden of production and proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(g) The board, when it is hearing the petition itself, or an administrative law judge sitting for the board, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time his or her license or registration was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability.

(h) The hearing may be continued from time to time as the board or the administrative law judge deems appropriate but in no case may the hearing on the petition be delayed more than 180 days from its filing without the consent of the petitioner.

(i) The board itself, or the administrative law judge if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision. In a decision granting a petition reinstating a license or modifying a penalty, the board itself, or the administrative law judge, may impose any terms and conditions that the agency deems reasonably appropriate, including those set forth in Sections 823 and 4990.40. If a petition is heard by an administrative law judge sitting alone, the administrative law judge shall prepare a proposed decision and submit it to the board. The board may take action with respect to the proposed decision and petition as it deems appropriate.

(j) The petitioner shall pay a fingerprinting fee and provide a current set of his or her fingerprints to the board. The petitioner shall execute a form authorizing release to the board or its designee, of all information concerning the petitioner's current physical and mental condition. Information provided to the board pursuant to the release shall be confidential and shall not be subject to discovery or subpoena in any other proceeding, and shall not be admissible in any action, other than before the board, to determine the petitioner's fitness to practice as required by Section 822.

(k) The board may delegate to its executive officer authority to order investigation of the contents of the petition.

(l) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or the petitioner is required to register pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(m) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

## **AMEND BPC §4992. LICENSE APPLICATION; FEES**

Every applicant for a license under this chapter shall file an application with the board accompanied by the application fee prescribed by this chapter. Every application ~~received after January 1, 1988,~~ shall also be accompanied by the applicable examination fee prescribed by this chapter.

The application shall contain information showing that the applicant has all the qualifications required by the board for admission to ~~the~~an examination.

## **AMEND BPC §4996.17.**

(a) (1) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(2) Commencing January 1, 2014, an applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(b) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than 3,200 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

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

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

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping,



patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

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

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

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) An applicant who obtained his or her license or registration under another jurisdiction may [apply/qualify](#) for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

#### **AMEND BPC §4999.14. DISSEMINATION OF INFORMATION; DUTIES OF THE BOARD**

The board shall do all of the following:

(a) Communicate information about its activities, the requirements and qualifications for licensure, and the practice of professional clinical counseling to the relevant educational institutions, supervisors, professional associations, applicants, clinical counselor trainees, [internsassociates](#), and the public.

(b) Develop policies and procedures to assist educational institutions in meeting the educational qualifications of Sections 4999.32 and 4999.33.

### **AMEND BPC §4999.22. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES**

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

(b) Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Licensed Marriage and Family Therapist Act.

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

(d) This chapter shall not apply to an employee of a governmental entity or a school, college, or university, or of an institution both nonprofit and charitable, if his or her practice is performed solely under the supervision of the entity, school, college, university, or institution by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed.

(e) All persons registered as [internsassociates](#) or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

### **AMEND BPC §4999.32. QUALIFICATIONS FOR REGISTRATION AND EXAMINATION ELIGIBILITY; GRADUATE COURSEWORK BEGINNING BEFORE AUGUST 1, 2012 AND COMPLETED BEFORE DECEMBER 31, 2018**

(a) This section shall apply to applicants for licensure or registration who ~~begin~~[began](#) graduate study before August 1, 2012, and ~~complete~~[completed](#) that study on or before December 31,

2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.

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

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

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

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

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

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

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

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

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

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established

diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.

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

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

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

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

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

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

(G) Health and wellness promotion.

(H) Other recognized counseling interventions.

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

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

(B) Notwithstanding subparagraph (A), no applicant shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).

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

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

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

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

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

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

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

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

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

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

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

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

## **AMEND BPC §4999.48. RULES AND REGULATIONS**

The board shall adopt regulations regarding the supervision of [interns/associates](#), which may include, but not be limited to, the following:

- (a) Supervisor qualifications.
- (b) Continuing education requirements of supervisors.
- (c) Registration or licensing of supervisors, or both.
- (d) General responsibilities of supervisors.
- (e) The board's authority in cases of noncompliance or gross or repeated negligence by supervisors.

## **AMEND BPC §4999.60.**

(a) This section applies to persons who are licensed outside of California and apply for licensure on or after January 1, 2016.

(b) 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 valid license in good standing as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States, if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4999.63.

(2) The applicant complies with subdivision (c) of Section 4999.40, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a professional clinical counselor shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4999.63 without exemptions or remediation.

(4) The applicant passes the examinations required to obtain a license under this chapter. An applicant who obtained his or her license or registration under another jurisdiction may [apply/qualify](#) for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

**AMEND BPC §4999.62. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; NON-LICENSE HOLDER**

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who do not hold a license as described in Section 4999.60.

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

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

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

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

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

(C) Six semester units or nine quarter units of [supervised practicum](#) [or field study experience](#), including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraph (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.



(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (l) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (l) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required by subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) (A) The applicant completes the following coursework not already completed in his or her education:

(i) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(ii) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

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

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

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

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

(5) An applicant may complete any units and course content requirements required under paragraph (2), (3), or (4) not already completed in his or her education while registered with the board as an associate.

**AMEND BPC §4999.63. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; LICENSE HOLDER**

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.60, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of the following:

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

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

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

(C) Six semester units or nine quarter units of supervised practicum or field study experience, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(i) An applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the supervised practicum or field study experience requirement, shall remediate the requirement by demonstrating completion of a total of 280 hours of face-to-face supervised clinical experience, as specified in subparagraph (K) of paragraph (3) of subdivision (c) of Section 4999.33. Any postdegree hours gained to meet this requirement are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while the applicant is registered with the board as an associate.

(D) The required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of

Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required under subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) The applicant completes the following coursework not already completed in his or her education:

(A) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(B) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(C) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.

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

(E) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units or 45 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers

and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

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

(5) An applicant may complete any units and course content requirements required by subparagraph (D) of paragraph (1) or paragraphs (2), (3), and (4) not already completed in his or her education while registered with the board as an associate, unless otherwise specified.

### **AMEND BPC §4999.100.**

(a) An [internassociate](#) registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant on or before the expiration date of the registration, shall do the following:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

(4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.

(c) The [internassociate](#) registration may be renewed a maximum of five times. Registration shall not be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent [internassociate](#) registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent [internassociate](#) registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant who is issued a subsequent [internassociate](#) registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

~~(d) This section shall become operative on January 1, 2016.~~

### **AMEND FAMILY CODE SECTION §6924.**

(a) As used in this section:

(1) "Mental health treatment or counseling services" means the provision of mental health treatment or counseling on an outpatient basis by any of the following:

- (A) A governmental agency.
- (B) A person or agency having a contract with a governmental agency to provide the services.
- (C) An agency that receives funding from community united funds.
- (D) A runaway house or crisis resolution center.
- (E) A professional person, as defined in paragraph (2).

(2) "Professional person" means any of the following:

- (A) A person designated as a mental health professional in Sections 622 to 626, inclusive, of Article 8 of Subchapter 3 of Chapter 1 of Title 9 of the California Code of Regulations.
- (B) A marriage and family therapist as defined in Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.
- (C) A licensed educational psychologist as defined in Article 5 (commencing with Section 4986) of Chapter 13 of Division 2 of the Business and Professions Code.
- (D) A credentialed school psychologist as described in Section 49424 of the Education Code.
- (E) A clinical psychologist as defined in Section 1316.5 of the Health and Safety Code.
- (F) The chief administrator of an agency referred to in paragraph (1) or (3).
- (G) A person registered as an [associate marriage and family therapist](#) ~~intern~~, as defined in Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in subdivision (g) of Section 4980.03 of the Business and Professions Code.
- (H) A licensed professional clinical counselor, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.
- (I) A person registered as an [associate professional clinical counselor](#) ~~intern~~, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in subdivision (h) of Section 4999.12 of the Business and Professions Code.

(3) "Residential shelter services" means any of the following:

- (A) The provision of residential and other support services to minors on a temporary or emergency basis in a facility that services only minors by a governmental agency, a person or agency having a contract with a governmental agency to provide these services, an agency that receives funding from community funds, or a licensed community care facility or crisis resolution center.

(B) The provision of other support services on a temporary or emergency basis by any professional person as defined in paragraph (2).

(b) A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if both of the following requirements are satisfied:

(1) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.

(2) The minor (A) would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (B) is the alleged victim of incest or child abuse.

(c) A professional person offering residential shelter services, whether as an individual or as a representative of an entity specified in paragraph (3) of subdivision (a), shall make his or her best efforts to notify the parent or guardian of the provision of services.

(d) The mental health treatment or counseling of a minor authorized by this section shall include involvement of the minor's parent or guardian unless, in the opinion of the professional person who is treating or counseling the minor, the involvement would be inappropriate. The professional person who is treating or counseling the minor shall state in the client record whether and when the person attempted to contact the minor's parent or guardian, and whether the attempt to contact was successful or unsuccessful, or the reason why, in the professional person's opinion, it would be inappropriate to contact the minor's parent or guardian.

(e) The minor's parents or guardian are not liable for payment for mental health treatment or counseling services provided pursuant to this section unless the parent or guardian participates in the mental health treatment or counseling, and then only for services rendered with the participation of the parent or guardian. The minor's parents or guardian are not liable for payment for any residential shelter services provided pursuant to this section unless the parent or guardian consented to the provision of those services.

(f) This section does not authorize a minor to receive convulsive therapy or psychosurgery as defined in subdivisions (f) and (g) of Section 5325 of the Welfare and Institutions Code, or psychotropic drugs without the consent of the minor's parent or guardian.

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## ATTACHMENT B

### BUSINESS AND PROFESSIONS CODE - BPC

#### DIVISION 1. DEPARTMENT OF CONSUMER AFFAIRS [100 - 472.5]

( *Heading of Division 1 amended by Stats. 1973, Ch. 77.*  )

#### CHAPTER 4. Consumer Affairs [300 - 337]

( *Chapter 4 added by Stats. 1970, Ch. 1394.*  )

#### ARTICLE 6. Information [337- 337.]

( *Article 6 added by Stats. 1970, Ch. 1394.*  )

#### 337.

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

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

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

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

(3) A patient's bill of rights.

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

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

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

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

(*Amended by Stats. 2007, Ch. 588, Sec. 1. Effective January 1, 2008.*)

**BUSINESS AND PROFESSIONS CODE - BPC**  
**DIVISION 2. HEALING ARTS [500 - 4999.129]**  
( *Division 2 enacted by Stats. 1937, Ch. 399.*  )

**CHAPTER 1. General Provisions [500 - 865.2]**  
( *Chapter 1 enacted by Stats. 1937, Ch. 399.*  )

**ARTICLE 10.5. Unprofessional Conduct [725 - 733]**  
( *Article 10.5 added by Stats. 1979, Ch. 348.*  )

**728.**

(a) Any psychotherapist or employer of a psychotherapist who becomes aware through a patient that the patient had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the patient a brochure developed promulgated by the department that delineates the rights of, and remedies for, patients who have been involved sexually with their psychotherapists. Further, the psychotherapist or employer shall discuss with the patient the brochure prepared by the department.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

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

(2) "Sexual contact" means the touching of an intimate part of another person.

(3) "Sexual behavior" means inappropriate communication (including, but not limited to texting, emailing, or phone calls) of a sexual nature.

(3) "Intimate part" and "touching" have the same meaning as defined in subdivisions (g) and (e), respectively, of Section 243.4 of the Penal Code.

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

(*Amended by Stats. 2010, Ch. 328, Sec. 5. Effective January 1, 2011.*)

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**To:** Board Members

**Date:** October 20, 2017

**From:** Rosanne Helms  
Legislative Analyst

**Telephone:** (916) 574-7897

**Subject:** Renewal of Expired Registration Number

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### **Summary**

Current law specifies actions a registrant must take to renew a registration number before its expiration. However, the law is silent on the actions needed to renew a registration number once it has expired. This proposal would specify how an expired registration number is renewed.

### **Existing Law**

1. Allows a licensing board to appear in a criminal proceeding against a person to whom it has issued a professional license to do the following, if the crime being charged is substantially related to the qualifications, functions, or duties of a licensee (Penal Code (PC) §23):
  - a. Furnish pertinent information;
  - b. Make recommendations regarding specific conditions of probation; or
  - c. Provide any other assistance necessary to promote justice or protect the public.
2. Allows the Board jurisdiction to commence or proceed with an investigation or disciplinary action against a license or registration even if it is expired. (Business and Professions Code (BPC) §4990.33)

### **Problem**

Although BPC §4990.33 grants the Board authority to take disciplinary action against an expired registration, it still faces difficulty taking action in some cases where a registration is expired, because current law does not specify a method by which an expired registration can be renewed. Due to this, judges, the Attorney General, and others in the legal profession dealing with Board cases do not understand that renewing an expired registration is simply a matter of submitting a renewal form and paying a fee. This leads to problems when the Attorney General's office appears on the Board's behalf in a criminal proceeding to obtain a PC 23 Order prohibiting or restricting the registrant's practice. The Superior Court judges do not understand why a PC 23 Order is necessary to prohibit or restrict the registrant's practice as the registration has expired.

Due to this issue occurring several times, the Attorney General's office and DCA Legal have recommended that the Board pursue legislation to specify how to renew an expired registration.

### **Proposed Solution**

BPC sections 4984.01, 4996.28, and 4999.100 specify the process to renew a registration that has not expired, for MFT, ASW, and PCC registrants, respectively. To renew an unexpired registration, the registrant must fill out a renewal form, pay a renewal fee, participate in the California law and ethics exam each year (if not yet passed), and notify the Board of any convictions or disciplinary action taken by another licensing board.

Staff proposes that the law be amended to specify that the requirements to renew an expired registration be the same as those to renew an active registration as listed above.

### **Additional Amendments – BPC Section 4996.28(a)(4) and (c)**

BPC §4996.28(a)(4) has also been amended to correct an error. Current language states that to renew a registration, the registrant must obtain a passing score on the California law and ethics exam.

This is not the intent of the exam restructure. The law should state that to renew a registration, the registrant must participate in the California law and ethics examination each year until passed. Passage of the examination is only needed to obtain a subsequent registration number or a license. Therefore, this subsections (a)(4) and (c) of section 4996.28 have been revised accordingly. Language about renewal after six years has also been added to subsection (c) to be consistent with LMFT and LPCC law.

### **Policy and Advocacy Committee Meeting**

At its October 20, 2017 meeting, the Policy and Advocacy Committee reviewed this proposal and directed staff to submit it to the Board for consideration as legislation.

### **Recommendation**

Conduct an open discussion of the proposed language. Direct staff to make any discussed changes and any non-substantive changes, and pursue as a legislative proposal.

### **Attachments**

**Attachment A:** Proposed Language

**ATTACHMENT A  
PROPOSED LANGUAGE**

**§4984.01. ASSOCIATE REGISTRATION; DURATION; RENEWAL**

(a) The marriage and family therapist [internassociate](#) registration shall expire one year from the last day of the month in which it was issued.

(b) To renew the registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Participate in the California law and ethics examination pursuant to Section 4980.399 each year until successful completion of this examination.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against him or her by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

[\(c\) An expired registration may be renewed by completing all of the actions described in paragraphs \(1\) through \(4\) of subdivision \(b\).](#)

~~(e)~~(d) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent [internassociate](#) registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent [internassociate](#) registration number and has passed the California law and ethics examination described in Section 4980.399. An applicant who is issued a subsequent [internassociate](#) registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

~~(d) This section shall become operative on January 1, 2016.~~

**§4996.28. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION EXPIRATION; RENEWAL**

(a) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. To renew a registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken by a regulatory or licensing board in this or any other state, subsequent to the last renewal of the registration.

~~(4) On and after January 1, 2016, obtain a passing score on the California law and ethics examination pursuant to Section 4992.09. Participate in the California law and ethics examination pursuant to Section 4992.09 each year until successful completion of this examination.~~

~~(b) An expired registration may be renewed by completing all of the actions described in paragraphs (1) through (4) of subdivision (a).~~

~~(b)(c)~~ A registration as an associate clinical social worker may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate clinical social worker registration number if the applicant meets all requirements for registration in effect at the time of his or her application for a subsequent associate clinical social worker registration number and has passed the California law and ethics examination described in Section 4992.09. An applicant issued a subsequent associate registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

#### **§4999.100. EXPIRATION OF ASSOCIATE REGISTRATION; RENEWAL OF UNEXPIRED REGISTRATION**

(a) An internassociate registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant on or before the expiration date of the registration, shall do the following:

(1) Apply for ~~a~~ renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

(4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.

~~(c) An expired registration may be renewed by completing all of the actions described in paragraphs (1) through (4) of subdivision (b).~~

~~(e)(d)~~ The internassociate registration may be renewed a maximum of five times. Registration shall not be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent internassociate registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent internassociate registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant who is issued a subsequent internassociate registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

~~(d) This section shall become operative on January 1, 2016.~~

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**To:** Board Members

**Date:** October 20, 2017

**From:** Christy Berger  
Regulatory Analyst

**Telephone:** (916) 574-7817

**Subject:** Discussion of Examination Rescoring

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The purpose of this agenda item is to consider a possible regulation change pertaining to candidate requests for rescoring of an examination.

### **Existing Law**

Current statute authorizes the Board to charge candidates a \$20 fee for requesting an examination rescoring (per Business and Professions Code sections 4984.7(a)(5), 4989.68(a)(6), 4996.3(a)(5) and 4999.120(j)). The fee is also listed in regulation (Title 16, California Code of Regulations section 1816.3). However, neither statute nor regulation define “examination rescoring.”

Examination rescoring has its roots in the past when all exams were given manually, via paper and pencil. The purpose of an “examination rescoring” at that time was to hand-check for errors in Scantron processing. Now that all Board exams are administered electronically, the examination results for every single candidate are automatically double-checked by the Board’s testing vendor. Paying \$20 for a rescoring provides no benefit to a candidate who took the exam electronically. The Board does accept and respond to exam complaints filed by candidates, and if concerns are expressed about scoring, this would be investigated and addressed. No fee is required to file a complaint.

The Board currently offers the \$20 examination rescoring to candidates who took a Board-developed exam via paper and pencil. Exams are only provided via paper and pencil to those candidates who have been granted such as a disability accommodation. The attached proposed language would codify this process. The proposed language would also strike the regulation section pertaining to the \$20 fee. This section is unnecessary as the fees are set in statute.

### **Recommendation**

Conduct an open discussion about the Policy and Advocacy Committee’s recommended amendments. Direct staff to make any discussed changes, and any non-substantive changes, and pursue as a regulatory proposal.

### **Attachment**

Proposed language

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## ATTACHMENT A

### PROPOSED LANGUAGE

#### **§ 1805.08. EXAMINATION RESCORING**

Candidates may request a rescoring of any board-developed examination administered via paper-and-pencil by submitting the required fee, along with a request that states the type of examination to be rescored, the date the examination to be rescored was taken, and a brief explanation of why the candidate is requesting a rescoring.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.

#### **~~§ 1816.3. EXAMINATION RESCORING FEES~~**

~~The fee for rescoring any board administered licensed marriage and family therapist, licensed clinical social worker, licensed educational psychologist, or licensed professional clinical counselor examination shall be twenty dollars (\$20.00).~~

~~Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.~~

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## REQUEST FOR RE-SCORING OF PAPER/PENCIL EXAMINATION RESULTS

*For Office Use Only*

### \$20 FEE MUST ACCOMPANY THIS FORM

*Make check payable to - Behavioral Sciences Fund*

Use this form to request a re-score of an exam that you took via paper and pencil (provided as a testing accommodation). Exams taken on a computer will not be re-scored, as this is done automatically for each candidate. A separate form and fee of \$20 is required for each exam you want to be re-scored. Re-scoring can only be performed on exams administered within the last two (2) years under the current test vendor. Allow three (3) weeks to receive a written response. For questions, contact the Board's Exam Unit at (916) 574-7830.

*(Please type or print clearly in ink)*

1. BBS File Number:		2. Registration Number:	
3. Legal name:	Last	First	Middle
4. Address of Record*:			
City		State	Zip Code
5. Is this a new address**?		<b><i>For office use only</i></b>	
Yes <input type="checkbox"/> No <input type="checkbox"/>		Date changed:	
6. Business Telephone:	7. Residence Telephone:	8. E-Mail Address (OPTIONAL):	

9. Mark the type of exam to be re-scored, and list the date you took the exam below:

<input type="checkbox"/> LMFT Standard Written	<input type="checkbox"/> LCSW Standard Written	<input type="checkbox"/> LEP Written	<input type="checkbox"/> LPCC California Law and Ethics
<input type="checkbox"/> LMFT Clinical Vignette	<input type="checkbox"/> LCSW Clinical Vignette	Date of Exam:	Date of Exam:
Date of Exam: _____	Date of Exam: _____	_____	_____

**-OVER-**

Applicant Name:	Last	First	Middle
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10. Explain briefly why you are requesting a re-scoring of your paper/pencil exam:

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*I am the person named on this form and my signature authorizes the Board to process my request for a re-scoring of my examination.*

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**Signature of Candidate**

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**Date**

*\*The address you enter on this application is public information and will be placed on the Internet pursuant to Business and Professions Code Section 27. If you do not want your home or work address available to the public, please provide an alternate mailing address.*

*\*\*If you provide a new address, we will update our records accordingly.*

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**To:** Board Members **Date:** October 20, 2017  
**From:** Christy Berger **Telephone:** (916) 574-7817  
Administrative Analyst  
**Subject: Discussion of Application Abandonment Criteria**

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The purpose of this agenda item is to consider a possible regulation change pertaining to application abandonment criteria. "Abandonment" in this context describes the situation where an applicant has not taken required action on his or her pending application for at least a one-year period. At the one-year mark, the file is closed and the applicant must reapply and requalify if he or she wishes to pursue registration or licensure.

### **Existing Law**

Current regulations specify the circumstances under which a registration or licensure application is considered "abandoned" by the applicant, and describes, in general, the repercussions of abandonment. The following circumstances are considered "abandonment" per Title 16, California Code of Regulations section 1806:

- The applicant has not completed his or her application within one year after it has been filed (this includes all required documents and information required).
- The applicant has not submitted the information required to correct an application deficiency within one year from the date of the Board's deficiency notice to the applicant.
- An applicant for licensure fails to take or retake an examination within one year of any of the following:
  - Fails to take an exam within one year after application approval;
  - Fails to retake an exam within one year after notification of failing; or
  - Fails to take the Clinical Exam within one year of passing the Law and Ethics Exam (this does not apply to registrants who have not yet applied for licensure).
- Fails to pay the initial license fee within one year after passing the Clinical Exam

An individual who abandons his or her application must submit a new application, fees, and meet current requirements if he or she still wishes to pursue the application. Depending on how long the applicant takes to reapply, much of the documentation that remains on file may not have to be resubmitted. This is determined on a case by case basis.

### **Proposed Changes**

The attached proposed language would do all of the following:

- Move text that appears in the last line of the regulation section toward the top in order to emphasize the repercussions of abandonment.
- Delete subdivision (a), which is outdated and unnecessary. Application completion is fully covered by paragraph (b) (now re-numbered as (a)), as all application completion problems are addressed in a deficiency letter.
- Collapse the paragraphs that refer to specific examinations into one statement that encompasses all of the circumstances, thereby improving readability and understanding.

### **Recommendation**

Conduct an open discussion about the Policy and Advocacy Committee's recommended amendments. Direct staff to make any discussed changes, and any non-substantive changes, and pursue as a regulatory proposal.

### **Attachment**

Proposed language

**ATTACHMENT**  
**DRAFT PROPOSED REGULATORY LANGUAGE**

**§ 1806. ABANDONMENT OF APPLICATION**

An application shall be deemed abandoned under any of ~~the following circumstances:~~ circumstances described in this section. An application submitted after a previous application has been abandoned shall be treated as a new application, requiring the applicant to pay any fees required, and to meet current requirements.

~~(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the board.~~

~~(b)~~(a) The applicant does not submit information required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency letter.

(b) The applicant for licensure, as defined in section 1805.01(a), does not maintain an active licensure application. An applicant maintains an “active licensure application” by participating in a required examination at least once per year. The initial one-year period shall begin on the date the applicant was sent a notification approving his or her licensure application. Subsequent one-year periods shall begin on the date the most recent examination was taken.

~~(c) Applications for licensure, as defined in section 1805.01(a), shall be deemed abandoned if the applicant fails to take or retake an examination within the following time frames:~~

~~(1) The applicant fails to sit for the California law and ethics examination within one (1) year after being notified of initial eligibility to take the examination.~~

~~(2) The applicant does not retake the California law and ethics examination within one (1) year after being notified of failing the examination.~~

~~(3) The applicant fails to sit for the clinical examination within one (1) year of being notified of passing the standard written examination.~~

~~(4) The applicant fails to sit for the clinical examination within one (1) year of being notified of passing the California law and ethics examination.~~

~~(5) An applicant does not retake the clinical examination or the licensed educational psychologist written examination within one (1) year from the date the applicant was notified of failing the examination.~~

~~(d)~~(c) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

~~An application submitted after a previous application has been abandoned shall be treated as a new application, requiring the applicant to pay any fees required, and to meet current requirements.~~

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**To:** Board Members

**Date:** October 23, 2017

**From:** Christy Berger  
Regulatory Analyst

**Telephone:** (916) 574-7817

**Subject:** Add Fee for Subsequent PCCI Registrations

---

The first Professional Clinical Counselor Intern (PCCI) registrations were issued in January 2011. These registrations will soon be reaching their maximum allowable time span. Business and Professions Code (BPC) section 4999.45 limits an intern registration to five renewals (for a total of 6 years), but also allows for the ability to obtain a subsequent registration, which also has a maximum of six years. When staff was developing the application for subsequent registration, we found that the law which sets the intern application fee was in need of clarification.

LPCC statute sets the maximum "intern application" fee at \$150 (4999.120(b)), and regulations specify the actual fee of (\$100) for a PCCI "initial application" (Title 16, California Code of Regulations (CCR) section 1816.1(e)).

The proposed regulatory change would clarify that this fee is for both initial and subsequent intern registration applications. It would also make a technical change, replacing the term "intern" with "associate" in accordance with SB 1478 (Chapter 489, Statutes of 2016).

### **Recommendation**

Conduct an open discussion about the Policy and Advocacy Committee's recommended amendments. Direct staff to make any discussed changes, and any non-substantive changes, and pursue as a regulatory proposal.

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## ATTACHMENT

### PROPOSED LANGUAGE

#### Title 16, California Code of Regulations

##### § 1816.1. INITIAL LICENSE AND REGISTRATION FEES

- (a) The fee for initial issuance of the marriage and family therapist license shall be one hundred thirty dollars (\$130.00).
- (b) The fee for initial issuance of the licensed educational psychologist license shall be eighty dollars (\$80.00).
- (c) The fee for initial issuance of the licensed clinical social worker license shall be one hundred dollars (\$100.00).
- (d) The fee for initial issuance of the licensed professional clinical counselor license shall be two hundred dollars (\$200.00).
- (e) The fee for ~~initial application~~ of the professional clinical counselor ~~intern~~ associate registration application shall be one hundred dollars (\$100.00).

*Note: Authority Cited: Sections 4980.60, and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, ~~4996.18~~, and 4999.120, Business and Professions Code.*

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**To:** Board Members **Date:** October 23, 2017  
**From:** Rosanne Helms **Telephone:** (916) 574-7897  
Legislative Analyst  
**Subject:** Review of Board-Sponsored and Monitored Legislation

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The 2017 legislative session is now complete. The following is a summary of the outcomes for bills that the Board sponsored, supported, or monitored.

## BOARD-SPONSORED LEGISLATION

The Board sponsored the following legislative proposals:

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

This bill proposal represents the work of the Board's Supervision Committee. Its amendments focus on strengthening the qualifications of supervisors, supervisor responsibilities, types of supervision that may be provided, and acceptable work settings for supervisees. The bill also strives to make the Board's supervision requirements more consistent across its licensed professions.

This bill proposal was approved by the Board at its November 4, 2016 meeting. Minor technical amendments to the bill were approved at the Board's March 3, 2017 meeting.

*Status: AB 93 is a two-year bill.*

2. **SB 800 (Senate Business, Professions, and Economic Development Committee) Professions and Vocations (Omnibus Bill)**

This proposal, approved by the Board at its November 4, 2016 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

*Status: This bill was signed by the Governor (Chapter 573, Statutes of 2017).*

## BOARD-SUPPORTED LEGISLATION

### 1. **AB 191 (Wood): Mental Health: Involuntary Treatment**

This bill adds licensed marriage and family therapists and licensed professional clinical counselors to the list of professionals who are authorized to be the secondary signatory to extend involuntary commitments, under certain circumstances.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

*Status: This bill was signed by the Governor (Chapter 184, Statutes of 2017).*

### 2. **AB 456 (Thurmond): Healing Arts: Associate Clinical Social Workers**

This bill would extend the Board’s “90-day rule” to applicants for registration as an associate clinical social worker (ASW). Currently, the 90-day rule allows applicants for registration as a marriage and family therapist intern or a professional clinical counselor intern to count post degree hours of supervised experience before receiving a registration number, as long as they apply for their intern registration within 90 days of the granting of their qualifying degree.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

*Status: This is a two-year bill.*

### 3. **AB 508 (Santiago): Health Care Practitioners: Student Loans**

This bill removes a healing art board’s ability to issue a citation and fine and its ability to deny an application for a license or renewal of a license due to the licensee or applicant being in default on a U.S. Department of Health and Human Services education loan.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

*Status: This bill was signed by the Governor (Chapter 195, Statutes of 2017).*

### 4. **AB 1116 (Grayson): Peer Support and Crisis Referral Services Act**

This bill establishes that a communication between an emergency service personnel worker and a peer support team member, crisis hotline staffer, or a crisis referral service staffer is privileged for a noncriminal proceeding to the same extent and limitations as a communication between a patient and a psychotherapist.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

*Status: This is a two-year bill.*

### 5. **AB 1188 (Nazarian): Health Professions Development: Loan Repayment**

This bill would increase the Mental Health Practitioner Education Fund fee that licensed marriage and family therapists and licensed clinical social workers pay upon license renewal

from \$10 to \$20. It would also require LPCCs to pay a \$20 fee into the fund upon renewal, and would allow LPCCs and PCC interns to apply for the loan repayment grant if they work in a mental health professional shortage area.

At its May 12, 2017 meeting, the Board took a “support if amended” position on this bill, asking for minor amendments and a delayed implementation until July 1, 2018. Since the Board meeting, the Board’s requested amendments were made, and therefore the Board now has a “support” position.

*Status: This bill was signed by the Governor (Chapter 557, Statutes of 2017).*

**6. AB 1372 (Levine): Health Professions Development: Loan Repayment**

This bill allows a certified crisis stabilization unit that provides specialty mental health services, at its discretion, to provide medically necessary crisis stabilization services to individuals beyond the allowable treatment time of 24 hours under certain circumstances.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

*Status: This is a two-year bill.*

**7. AB 1591 (Berman): Medi-Cal: Federally Qualified Health Centers and Rural Health Centers: Licensed Professional Clinical Counselor**

This bill would allow Medi-Cal reimbursement for covered mental health services provided by a licensed professional clinical counselor employed by a federally qualified health center or a rural health clinic.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

*Status: The Governor vetoed this bill.*

**8. SB 27 (Morrell): Professions and Vocations: Licensees: Military Service**

This bill would require licensing boards within the Department of Consumer Affairs (DCA) to grant fee waivers for the application for and issuance of an initial license to an applicant who has served as an active duty member of the California National Guard or the U.S. Armed Forces and was honorably discharged.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

*Status: This is a two-year bill.*

**9. SB 244 (Lara): Privacy: Agencies: Personal Information**

This bill would provide additional privacy protections for personal information that is submitted to state agencies from an applicant for public services or programs.

At its May 12, 2017 meeting, the Board took a “support” position on the May 3, 2017 version of this bill. Amendments have been made to the bill since that time, some of which may be substantive.

*Status: This is a two-year bill.*

10. **SB 374 (Newman): Health Insurance: Discriminatory Practices: Mental Health**

This bill grants the Department of Insurance the authority to require that large group health insurance policies and individual or small group health insurance policies must provide all covered mental health and substance use disorder benefits in compliance with federal law. This is parallel to current authority already given to the Department of Managed Health Care for its regulation of large, individual or small group health care service plans.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

*Status: This bill was signed by the Governor (Chapter 162, Statutes of 2017).*

**BOARD-MONITORED LEGISLATION**

1. **AB 89 (Levine) Psychologists: Suicide Prevention Training**

This bill requires, beginning January 1, 2020, an applicant for licensure as a psychologist, or a licensed psychologist, upon renewal of his or her license, to demonstrate completion of at least six hours of coursework or supervised experience in suicide risk assessment and intervention.

At its May 12, 2017 meeting, the Board decided to remain neutral on this bill.

*Status: This bill was signed by the Governor (Chapter 182, Statutes of 2017).*

2. **AB 700 (Jones-Sawyer) Public Health: Alcoholism or Drug Abuse Recovery: Substance Use Disorder Counseling**

This bill would establish a career ladder for substance use disorder counselors, with classifications for substance use disorder counselor certification or registration.

At its May 12, 2017 meeting, the Board discussed the bill, and requested an amendment to clarify that Board trainees and registrants do not have to have a substance use disorder certification to engage in the practice of substance use disorder counseling. This amendment has now been made.

*Status: This is a two-year bill.*

3. **AB 767 (Quirk-Silva) Master Business License Act**

This bill creates a master business license system under the Governor’s Office of Business and Economic Development. It would allow a person who needs to apply for more than one business license to submit a single master application through GO-Biz, which would then distribute the application information to the various relevant licensing entities.

At its May 12, 2017 meeting, the Board decided to take a “support if amended” position on this bill, and ask that the Board be exempted from the bill’s provisions.

*Status: This is a two-year bill.*



4. **SB 715 (Newman) Department of Consumer Affairs: Regulatory Boards: Removal of Board Members**

This bill would allow the Governor to remove a board member appointed by him or her for failure to attend board meetings.

At its May 12, 2017 meeting, the Board decided to watch this bill.

*Status: This is a two-year bill.*

5. **SB 762 (Hernandez) Healing Arts Licensee: License Activation Fee: Waiver**

This bill would require all healing arts boards under the Department of Consumer Affairs (DCA) to waive the renewal fee for an inactive licensee returning to active status, if the licensee will solely be providing voluntary, unpaid services to indigent patients in medically underserved or critical-need population areas.

At its May 12, 2017 meeting, the Board took an “oppose unless amended” position on this bill, asking that it be excluded from the bill’s provisions.

*Status: This is a two-year bill.*

*Updated: October 16, 2017*

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**To:** Board Members **Date:** October 19, 2017  
**From:** Christy Berger **Telephone:** (916) 574-7817  
Regulatory Analyst  
**Subject:** **Status of Rulemaking Proposals**

## CURRENT REGULATORY PROPOSALS

### **Application Processing Times and Registrant Advertising**

This proposal would amend the Board's advertising regulations in line with SB 1478 (Chapter 489, Statutes of 2016) which changes the term "intern" to "associate" effective January 1, 2018, and makes several technical changes. This proposal would also amend the regulation that sets forth minimum and maximum application processing time frames.

The final proposal was approved by the Board at its meeting in November 2016. The proposal has completed the new "initial review phase" process required by DCA, and was published in the California Regulatory Notice Register on July 7, 2017. The 45-day public comment period has ended, and the public hearing was held on August 22, 2017. The rulemaking package is currently under review by DCA as part of the final phase of the regulation process.

### **Contact Information; Application Requirements; Incapacitated Supervisors**

This proposal would:

- Require all registrants and licensees to provide and maintain a current, confidential telephone number and email address with the Board.
- Codify the Board's current practice of requiring applicants for registration or licensure to provide the Board with a public mailing address, and ask applicants for a confidential telephone number and email address.
- Codify the Board's current practice of requiring applicants to provide documentation that demonstrates compliance with legal mandates, such as official transcripts; to submit a current photograph; and for examination candidates to sign a security agreement.
- Require certain applications and forms to be signed under penalty of perjury.
- Provide standard procedures for cases where a registrant's supervisor dies or is incapacitated before the completed hours of experience have been signed off.

The proposal was approved by the Board at its meeting in March 2017, and is in the new “initial review phase” process required by DCA, which can take up to four months. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

### **Enforcement**

This proposal would result in updates to the Board’s disciplinary process. It would also make updates to the Board’s “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Revised October 2015),” which are incorporated by reference into the Board’s regulations. The proposed changes fall into three general categories:

1. Amendments seeking to strengthen certain penalties that are available to the Board;
2. Amendments seeking to update regulations or the Uniform Standards/Guidelines in response to statutory changes to the Business and Professions Code; and
3. Amendments to clarify language that has been identified as unclear or needing further detail.

The proposal was approved by the Board at its meeting in February 2017, and is in the new “initial review phase” process required by DCA. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.