

disallow issuance of a second registration number (after five renewals) until the L&E exam was passed.

Issues with the 12-Hour Law and Ethics Course

The timing and need to take the 12-hour law and ethics course after renewing, if the L&E exam was failed in the prior renewal period, can be problematic for the following reasons:

- Some registrants are confused about when they need to take the 12-hour course (upon failure of the L&E exam, the registrant needs to renew the registration and then take the 12-hour course once renewed). The Board will not accept a course that was taken **prior** to the previous failure of the exam.
- Some registrants do not realize they need to take the 12-hour course. Therefore, they do not take it; and when they need to take the L&E exam again, they are not able to do so until they take the course. This can delay the registrant's next renewal, and in some cases, impact their employment if their registration lapses.
- In addition to the costs of registration renewal (\$150 per year) and costs to take the L&E exam (\$150 per test; test can be taken every 90 days or up to four times per renewal cycle), taking a required course results in an additional cost to registrants. Staff reviewed costs for the 12-hour course from several continuing education providers and found a wide range of prices. Depending on the provider chosen, the course typically costs between \$50 to \$135.

Pass Rates for the California Law and Ethics Exam

Recent pass rates for the California L&E exam are summarized in **Attachment A**.

Recommendation

This Committee discussed the issue at its March 26th meeting, and directed staff to develop two language scenarios:

- Scenario One (**Attachment B**): requires the 12-hour California law and ethics course be taken as a condition of registration renewal if the law and ethics exam is failed. For this option, language needs to be added to state, "Notwithstanding section 135," in order to clarify that this is allowed (BPC §135 is shown in **Reference 1** below.)
- Scenario Two (**Attachment C**) deletes the 12-hour California law and ethics course requirement for those who failed to pass the exam. Instead, it requires all registrants to complete a minimum of six (6) (or possibly three (3)) hours of continuing education in California law and ethics each renewal period, regardless of whether or not they have already passed the California law and ethics examination.

Attachments and References

Attachment A: California Law and Ethics Examination Pass Rates

Attachment B: Scenario One Proposed Amendments: 12 Hour L&E Course Taken as Condition of Renewal (BPC §§4980.399, 4992.09, 4999.55)

Attachment C: Scenario Two Proposed Amendments: No 12 Hour L&E Course Required; 3 to 6 Hour L&E Continuing Education Course Required for All Registrants Each Renewal Cycle (BPC §§4980.399, 4992.09, 4999.55)

Reference 1: [Link to BPC Section 135](#)

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**ATTACHMENT A
CALIFORNIA LAW AND ETHICS EXAM PASS RATES**

	Exams Taken							
	2018		2019		2020		2021 (to date)	
Year	Takers	% Passed	Takers	% Passed	Takers	% Passed	Takers	% Passed
1	3419	68%	4732	78%	3694	75%	896	83%
2	1044	21%	822	14%	895	18%	118	11%
3	451	9%	295	5%	210	4%	55	5%
4	96	2%	128	2%	92	2%	13	1%
5	28	1%	32	1%	45	1%	3	0%
6	2	0%	17	0%	12	0%	1	0%
7	3	0%	9	0%	7	0%	0	0%

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ATTACHMENT B
Proposed Language
Scenario One: 12 Hour L&E Course Taken as Condition of Renewal

LMFTs

BUSINESS AND PROFESSIONS CODE (BPC) § 4980.399. CALIFORNIA LAW AND ETHICS EXAMINATION

- (a) Except as provided in subdivision (a) of Section 4980.398, each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.
- (b) A registrant shall participate in a board-administered California law and ethics examination prior to ~~his or her~~their registration renewal.
- (c) If an applicant fails the California law and ethics examination, ~~he or she~~they may retake the examination, upon payment of the required fees, without further application except as provided in subdivision (d).
- (d) Notwithstanding section 135, if ~~if~~ a registrant fails to obtain a passing score on the California law and ethics examination within ~~his or her~~their renewal period ~~on or after the operative date of this section,~~ ~~he or she~~they shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to ~~participate in the California law and ethics examination~~renew the registration. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider as specified by the board by regulation, a county, state or governmental entity, or a college or university.
- (e) The board shall not issue a subsequent registration number unless the applicant has passed the California law and ethics examination.

LCSWs

BPC § 4992.09. CALIFORNIA LAW AND ETHICS EXAMINATION

- (a) Except as provided in subdivision (a) of Section 4992.07, ~~each~~each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.
- (b) A registrant shall participate in a board-administered California law and ethics examination prior to ~~his or her~~their registration renewal.

- (c) If an applicant fails the California law and ethics examination, ~~he or she~~they may retake the examination, upon payment of the required fees, without further application except for as provided in subdivision (d).
- (d) Notwithstanding section 135, if ~~if~~ a registrant fails to obtain a passing score on the California law and ethics examination within ~~his or her~~their renewal period ~~on or after the operative date of this section,~~ ~~he or she~~they shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to ~~participate in the California law and ethics examination~~renew the registration. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider, as specified by the board by regulation, a county, state or governmental entity, or a college or university.
- (e) The board shall not issue a subsequent registration number unless the applicant has passed the California law and ethics examination.

LPCCs

BPC § 4999.55. CALIFORNIA LAW AND ETHICS EXAMINATION

- (a) Each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.
- (b) A registrant shall take a board-administered California law and ethics examination prior to ~~his or her~~their registration renewal.
- (c) If an applicant fails the California law and ethics examination, ~~he or she~~they may retake the examination, upon payment of the required fees, without further application, except as provided in subdivision (d).
- (d) Notwithstanding section 135, if ~~if~~ a registrant fails to obtain a passing score on the California law and ethics examination within ~~his or her~~their renewal period, ~~he or she~~they shall complete, at minimum, a 12-hour course in California law and ethics ~~prior to retaking the board-administered California law and ethics examination~~in order to be eligible to renew the registration. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider as specified by the board by regulation, a county, state, or governmental entity, or a college or university.
- (e) The board shall not issue a subsequent registration number unless the applicant has passed the California law and ethics examination.

ATTACHMENT C
Proposed Language
Scenario Two: No 12 Hour L&E Course Required; 3-6 Hour L&E Continuing Education Course Required for All Registrants Each Renewal Cycle

Note: This scenario is shown for LMFTs only at this time. If this scenario is selected, corresponding amendments would be drafted for LCSWs and LPCCs.

LMFTs

BUSINESS AND PROFESSIONS CODE (BPC) § 4980.399. CALIFORNIA LAW AND ETHICS EXAMINATION

- (a) Except as provided in subdivision (a) of Section 4980.398, each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.
- (b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her~~their~~ registration renewal.
- (c) If an applicant fails the California law and ethics examination, he or she~~they~~ may retake the examination, upon payment of the required fees, without further application except as provided in subdivision (d).
- ~~(d) If a registrant fails to obtain a passing score on the California law and ethics examination within his or her renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider as specified by the board by regulation, a county, state or governmental entity, or a college or university.~~
- ~~(e)~~(d)) The board shall not issue a subsequent registration number unless the applicant has passed the California law and ethics examination.
- (e) All registrants shall complete a minimum of six (6) **or three (3)?** hours of continuing education in the subject of California law and ethics each renewal period in order to be eligible to renew their registration, regardless of whether or not they have passed the California law and ethics examination. The coursework shall be obtained from a board-accepted provider of continuing education, as specified in section 4980.54.

Note: if this option is selected, the Board may also need to amend BPC section 4980.54 to include registrants. Potential language is as follows:

§ 4980.54. CONTINUING EDUCATION

- (a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to ensure that an applicant is prepared and qualified to take the licensure examinations as specified in subdivision (d) of Section 4980.40 and, if he or she passes those examinations, to begin practice.
- (b) In order to continuously improve the competence of licensed and registered marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees and registrants to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.
- (c) Except as provided in subdivision (e), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.

(xx) The board shall not renew any registration pursuant to this chapter unless the registrant certifies to the board, on a form prescribed by the board, that they have completed not less than six (6) (or three (3)?) hours of continuing education in the subject of California law and ethics in the preceding year, as determined by the board.

- (d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.
- (e) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.
- (f) The continuing education shall be obtained from one of the following sources:
 - (1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.36 or 4980.37. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.
 - (2) Other continuing education providers, as specified by the board by regulation.
- (g) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education,

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

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

- (1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.
- (2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.
- (3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

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

(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (f) shall be deemed to be an approved provider.

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

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