

BOARD OF BEHAVIORAL SCIENCES

APPROVED LANGUAGE

May 25, 2005

(1) Amend Section 1805.1 to read as follows:

§1805.1. PERMIT PROCESSING TIMES

"Permit" as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the board's various programs are set forth below. The actual processing times reflect the period from the date the board receives an application to the date a license or registration is issued, and apply to those persons who take and pass the first actual available examination.

| <i>PROGRAM</i> | Maximum time for notifying that application is complete or deficient | Maximum time after receipt of a complete application to issue or deny license or registration | ACTUAL PROCESSING TIMES BASED ON PRIOR TWO YEARS | | |
|---|--|---|---|---------------|----------------|
| | | | <i>Minimum</i> | <i>Median</i> | <i>Maximum</i> |
| MECC MFT Intern Registration | 60 days | 30 days | 15 | 100 | 186 |
| MECC MFT License | 90 days | 120 days | 104 | 182 | 260 |
| LCSW Associate Registration | 60 days | 30 days | 15 | 53 | 90 |
| LCSW License | 90 days | 120 days | 104 | 178 | 253 |
| LEP License | 90 days | 120 days | 98 | 179 | 260 |
| CE Provider Approval | 30 days | 30 days | n/a | n/a | n/a |
| MECC MFT Referral Service Registration | 30 days | 30 days | n/a | n/a | n/a |
| All Renewals | 30 days | 60 days | 28 | 42 | 56 |

Note: Authority Cited: Sections 650.4, 4980.60 and 4990.14, Business and Professions Code. Reference: Section 15376, Government Code.

(2) Amend Section 1807 to read as follows:

§1807. HUMAN SEXUALITY TRAINING

The human sexuality training required of ~~marriage, family and child counselors~~ marriage and family therapists and clinical social workers by Sections 25 and 4980.41 of the Code shall:

(a) Consist of a minimum of ten (10) hours of training or coursework.

(b) Include the study of physiological-psychological and social-cultural variables associated with sexual identity, sexual behavior or sexual disorders.

(c) Have been completed after January 1, 1970, and shall have been obtained from one of the educational institutions or entities specified herein:

(1) An educational institution accredited by one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or

(2) An educational institution approved by the Bureau for Private Postsecondary and Vocational Education pursuant to Sections 94900 and 94901 of the Education Code, including extension courses offered by such institutions; or

(3) A continuing education provider approved by the board; or

(4) A course sponsored by a professional association; or

(5) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 25, 4980.41, 4980.54, and 4996.22, Business and Professions Code.

(3) Amend Section 1807.2 to read as follows:

§1807.2. CHILD ABUSE ASSESSMENT TRAINING REQUIREMENTS

All persons applying for a license or renewal of a license as a ~~marriage, family and child counselor~~ marriage and family therapist or clinical social worker shall in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and reporting and shall submit documentation to the board. The coursework or training in child abuse assessment and reporting shall consist of not less than 7 classroom hours and shall include training in each of the subject areas described in Section 28 of the Code. The coursework or training shall be:

(a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education, pursuant to Sections 94900 and 94901 of the Education Code; or

(b) Obtained from a statewide professional association representing the professions of psychology, social work or ~~marriage, family and child counseling~~ marriage and family therapy; or

(c) Obtained from or sponsored by a local, county, state or federal governmental entity, or licensed health facility; or

(d) Obtained from a continuing education provider approved by the board.

(e) Completed after January 1, 1983.

Note: Authority cited: Sections 28, 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 28, 4980.54 and 4996.22, Business and Professions Code; and Sections 11165 and 11166, Penal Code.

(4) Amend Section 1811 to read as follows:

§1811. USE OF LICENSE NUMBER IN DIRECTORIES AND ADVERTISEMENTS

All persons or referral services regulated by the board who advertise their services shall include their license or registration number in the advertisement unless such advertisement contains the following specific information:

(a) The full name of the licensee or registered referral service as filed with the board; and

(b) A designation of the type of license or registration held as follows:

(1) Licensed ~~Marriage, Family and Child Counselor~~ Marriage and Family Therapist.

(2) Licensed Educational Psychologist.

(3) Licensed Clinical Social Worker.

(4) Registered ~~MFC~~ MFT Referral Service.

(c) An unlicensed ~~Marriage, Family and Child Counselor~~ Marriage and Family Therapist Registered Intern may advertise if such advertisement complies with Section 4980.44(a)(4) of the Code making disclosures required by that section.

(d) An unlicensed Associate Clinical Social Worker may advertise if such advertisement complies with Section 4996.18 (e) of the Code making disclosures required by that section.

Note: Authority cited: Sections 137, 650.4, 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 137, 4980.44 and 4996.18, Business and Professions Code.

(5) Amend Section 1816 to read as follows:

§1816. RENEWAL FEES

(a) The biennial renewal fee for a ~~marriage, family, and child counselor~~ marriage and family therapist is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred thirty dollars (\$130.00) except for the period of time in subsection (h).

(b) The biennial renewal fee for a licensed clinical social worker is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred dollars (\$100.00) except for the period of time in subsection (i).

(c) The biennial renewal fee for a licensed educational psychologist is eighty dollars (\$80.00) for each person whose license expires on or after July 1, 1998 except for the period of time in subsection (j).

(d) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).

(e) The annual renewal fee for intern registration is seventy-five dollars (\$75.00).

(f) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).

(g) The fee for associate clinical social worker extension is fifty dollars (\$50.00).

(h) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a ~~marriage, family, and child counselor~~ marriage and family therapist is twenty-five dollars (\$25.00).

(i) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).

(j) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4986.80, 4994.1, 4996.6, 4996.18 and 4996.22, Business and Professions Code.

(6) Amend Section 1816.1 to read as follows:

§1816.1. INITIAL LICENSE AND REGISTRATION FEES

(a) On or after July 1, 1998, the fee for issuance of the initial ~~marriage, family, and child counselor~~ marriage and family therapist license shall be one hundred thirty dollars (\$130.00).

(b) On or after July 1, 1998, the fee for issuance of the initial clinical social worker license shall be one hundred dollars (\$100.00).

(c) On or after July 1, 1998, the fee for issuance of the initial educational psychologist license shall be eighty dollars (\$80.00).

(d) The fee for issuance of the initial intern registration shall be seventy-five dollars (\$75.00).

(e) The fee for issuance of the initial associate clinical social worker registration shall be seventy-five dollars (\$75.00).

Note: Authority cited: Sections 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4994.1, 4996.3, and 4996.18, Business and Professions Code.

(7) Amend Section 1816.4 to read as follows:

§1816.4. EXAMINATION APPLICATION FEES

(a) The examination application fee for the ~~marriage, family, and child counselor~~ marriage and family therapist shall be one hundred dollars (\$100.00).

(b) The examination application fee for the licensed clinical social worker shall be one hundred dollars (\$100.00).

(c) The examination application fee for the licensed educational psychologist shall be one hundred dollars (\$100.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.3, Business and Professions Code.

(8) Amend Section 1816.6 to read as follows:

§1816.6. INACTIVE LICENSE FEES

(a) The fee for issuance of the inactive ~~marriage, family, and child counselor~~ marriage and family therapist license shall be sixty-five dollars (\$65.00) except for the period of time in subsection (d).

(b) The fee for issuance of the inactive licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection (e).

(c) The fee for issuance of the inactive licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection (f).

(d) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive ~~marriage, family, and child counselor~~ marriage and family therapist license shall be twelve dollars and fifty cents (\$12.50).

(e) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed clinical social worker license shall be twelve dollars and fifty cents (\$12.50).

(f) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed educational psychologist license shall be twelve dollars and fifty cents (\$12.50).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.8, 4986.82, and 4997, Business and Professions Code.

(9) Amend Section 1816.7 to read as follows:

§1816.7. DELINQUENT LICENSE FEES

(a) The delinquency fee for the ~~marriage, family, and child counselor~~ marriage and family therapist license shall be sixty-five dollars (\$65.00) except for the period of time in subsection (d).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection (e).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection (f).

(d) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the ~~marriage, family, and child counselor~~ marriage and family therapist license shall be twenty-five dollars (\$25.00).

(e) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed clinical social worker license shall be twenty-five dollars (\$25.00).

(f) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed educational psychologist license shall be twenty-five dollars (\$25.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.6, Business and Professions Code.

(10) Amend Section 1833 to read as follows:

§1833. EXPERIENCE

(a) In order for experience to qualify under Section 4980.40(f) of the Code, it must meet the following criteria:

(1) It must have been gained in accordance with Sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.

(2) Experience shall not be credited for more than forty (40) hours in any week.

(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group counseling.

(4) No more than two hundred fifty (250) hours of experience will be credited for administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes; except that for any person who enrolled in a qualifying degree program prior to January 1, 1990, no more than five hundred (500) hours of experience may be credited for such activities.

(5) For any person who enrolls in a qualifying degree program on or after January 1, 1990, no more than two hundred fifty (250) hours of experience will be credited for actual time spent counseling or crisis counseling on the telephone.

(6) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.

(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern or trainee; monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of ~~marriage, family, and child counseling~~ marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.

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

(4) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern or trainee is consistent with the intern or trainee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the intern or trainee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee.

(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by Section 4980.43(d)(1) of the Code.

(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to ~~marriage, family, and child counseling~~ marriage and family therapy will be credited.

(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in Section 4980.43(d)(2) of the Code, will be credited.

(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:

(1) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.

(2) A trainee shall not perform services in a private practice.

(3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.

(e) Effective January 1, 1991, trainees and interns shall maintain a log of all hours of experience gained toward licensure. The log shall be in the form specified below and shall be signed by the supervisor on a weekly basis. An applicant shall retain all logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience.

[See Barclays Official California Code of Regulations for original illustration]

NOTE: Authority cited: Section 4980.35 and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), and 4980.42 through 4980.45, Business and Professions Code.

(11) Amend Section 1833.1 to read as follows:

§1833.1. REQUIREMENTS FOR SUPERVISORS

(a) Any person supervising an intern or trainee (hereinafter "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of a ~~Marriage, Family, and Child Counselor~~ Marriage and Family Therapist Trainee or Intern" revised ~~1-00~~ 2-05 requiring that:

(1) The supervisor possess and maintains a current valid California license as either a ~~marriage, family, and child counselor~~ marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4980.40 (f) of the Code and has been so licensed in California for at least two years prior to commencing any supervision; or

(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and

(B) Has been licensed in California as specified in Section 4980.40 (f) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.

(2) If such supervisor is not licensed as a ~~marriage, family, and child counselor~~ marriage and family therapist, he or she shall have sufficient experience, training, and education in ~~marriage, family, and child counselor~~ marriage and family therapist to competently practice ~~marriage, family, and child counselor~~ marriage and family therapist in California.

(3) The supervisor keeps himself or herself informed of developments in ~~marriage, family, and child counselor~~ marriage and family therapist and in California law governing the practice of ~~marriage, family, and child counselor~~ marriage and family therapist.

(4) The supervisor has and maintains a current license in good standing and will immediately notify the intern or trainee of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or lapse in licensure, that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision and has averaged at least five (5) patient/client contact hours per week.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.

(A) Effective January 1, 2000, supervisors who are licensed by the board shall complete a minimum of six (6) hours of supervision training or coursework every two years. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code.

(B) Supervisors who are licensed by the board who have completed a minimum of six (6) hours of supervision training or coursework between January 1, 1997, and December 31, 1999, may apply that training towards the requirement described in subsection (A).

(C) Supervisors who are licensed by the board who commence supervision on and after January 1, 2000, and have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a ~~marriage, family, and child counselor~~ marriage and family therapist.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the intern or trainee.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern or trainee by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the intern or trainee the manner in which emergencies will be handled.

~~(11) The supervisor agrees not to provide supervision to a trainee unless the trainee is a volunteer or employed in one of the following work settings permitted by law:~~

~~(A) a governmental entity~~

~~(B) a school, college, or university~~

~~(C) a nonprofit and charitable corporation~~

~~(D) a licensed health facility (Health and Safety Code Sections 1250, 1250.2 and 1250.3)~~

~~(E) a social rehabilitation facility or a community treatment facility (Health and Safety Code Section 1502(a))~~

~~(F) a pediatric day health and respite care facility (Health and Safety Code Section 1760.2)~~

~~(G) a licensed alcoholism or drug abuse recovery or treatment facility (Health and Safety Code Section 11834.02)~~

~~(12) The supervisor agrees not to provide supervision to an intern unless the intern is a volunteer or employed in one of the following work settings permitted by law:~~

~~(A) a governmental entity~~

~~(B) a school, college, or university~~

~~(C) a nonprofit and charitable corporation~~

~~(D) a licensed health facility (Health and Safety Code Sections 1250, 1250.2 and 1250.3)~~

~~(E) a social rehabilitation facility or a community treatment facility (Health and Safety Code Section 1502(a))~~

~~(F) a pediatric day health and respite care facility (Health and Safety Code Section 1760.2)~~

~~(G) a licensed alcoholism or drug abuse recovery or treatment facility (Health and Safety Code Section 11834.02)~~

~~(H) a private practice as specified in Section 4980.43 (f)~~

(b) Each supervisor shall provide the intern or trainee with the original signed “Responsibility Statement for Supervisors of a ~~Marriage, Family, and Child Counselor~~ Marriage and Family Therapist Intern or Trainee” revised 1-00 2-05 prior to the commencement of any counseling or supervision. The intern shall provide the board with his or her signed “Responsibility Statement for Supervisors of a ~~Marriage, Family, and Child Counselor~~ Marriage and Family Therapist Intern or Trainee” revised 1-00 2-05 from each supervisor upon application for licensure. The trainee shall provide the board with his or her signed “Responsibility Statement for Supervisors of a ~~Marriage, Family, and Child Counselor~~ Marriage and Family Therapist Intern or Trainee” revised 1-00 2-05 from each supervisor upon application for internship.

(c) A supervisor shall give at least one (1) week's written notice to an intern or trainee of the supervisor's intent not to certify any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(d) The supervisor shall obtain from any intern or trainee for which supervision will be provided, the name, address, and telephone number of the intern's or trainee's most recent supervisor and employer.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an intern or trainee will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of ~~marriage, family, and child counseling~~ marriage and family therapy; and (2) the experience is in compliance with the requirements set forth in this section.

(f) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(g) The supervisor responsibility statement required by this section shall be used for supervisory relationships commencing on or after 1-1-98.

(h) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6).

NOTE: Authority cited: Section 4980.35, 4980.40(f) 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42 through 4980.45, 4980.54 and 4996.22, Business and Professions Code.

(12) Amend Section 1833.2 to read as follows:

§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California on or after January 1, 1991 must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state in which the supervision occurred and possessed a current license which was not under suspension or probation. The supervisor was licensed or certified by that state, for at least two (2) years prior to acting as supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry as specified in Section 4980.40(f) of the code, or a ~~marriage, family and child counselor~~ marriage and family therapist or similarly titled marriage and family practitioner.

In a state which does not license or certify ~~marriage, family and child counselors~~ marriage and family therapists or similarly titled marriage and family practitioners, experience may be obtained under the supervision of a person who at the time of supervision held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and who maintained such membership throughout the period of supervision.

Note: Authority cited: Sections 4980.35, 4980.40(f) and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42-4980.45 and 4980.90, Business and Professions Code.

(13) Amend Section 1846 to read as follows:

§1846. MARRIAGE, FAMILY AND CHILD COUNSELOR MARRIAGE AND FAMILY THERAPIST INTERNS

The registration of each intern shall expire at midnight one year from the last day of the month in which the registration was issued.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.03(b), 4980.44 and 4984.7(e), Business and Professions Code.

(14) Amend Section 1846.1 to read as follows:

§1846.1. NOTIFICATION OF EMPLOYMENT AND TERMINATION OF A REGISTERED MARRIAGE, FAMILY AND CHILD COUNSELOR MARRIAGE AND FAMILY THERAPIST INTERN

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.40, 4980.42 and 4980.60, Business and Professions Code.

(15) Amend Section 1850.7 to read as follows:

§1850.7. SHARES: OWNERSHIP AND TRANSFER

(a) The shares of a ~~marriage, family and child counseling~~ marriage and family therapy corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.

(b) The shares of a licensed clinical social worker corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.

(c) Where there are two or more shareholders in a corporation and one of its shareholders dies, or becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days, his or her shares shall be sold and transferred to a licensed person or to the issuing corporation, on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder became a disqualified person.

(d) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he or she again ceases to become a disqualified person.

(e) The restrictions of subdivisions (a) or (b) where appropriate and, if appropriate, subdivision (c) of this section shall be set forth in the corporation's by-laws or articles of incorporation.

(f) The income of the corporation attributable to professional, licensed services rendered while a shareholder is a disqualified person shall not in any manner accrue to the benefit of such shareholder or his or her shares.

(g) The share certificates of the corporation shall contain either:

(1) An appropriate legend setting forth the restriction of subdivision (a) or (b) where appropriate, and where applicable, the restriction of subdivision (c), or

(2) An appropriate legend stating that ownership and transfer of the shares are restricted and specifically referring to an identified section of the by-laws or articles of incorporation of the corporation wherein the restrictions are set forth.

Note: Authority cited: Sections 4980.60 and 4990.14 , Business and Professions Code. Reference: Sections 4987.9, 4988, 4998.4 and 4998.5, Business and Professions Code; and Sections 13401, 13401.5, 13403 and 13407, Corporations Code.

(16) Amend Section 1874 to read as follows:

§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS

For purposes of Sections 4996.20(b) and 4996.21(b), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license as a psychologist, ~~marriage, family and child counselor~~ marriage and family therapist or physician certified in psychiatry by the American Board of Psychiatry and Neurology.

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Sections 4996.20 and 4996.21, Business and Professions Code.

(17) Amend Section 1886 to read as follows:

§1886. AUTHORITY TO ISSUE CITATIONS AND FINES

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed ~~marriage, family, and child counselor~~ marriage and family therapist (MFCC) (MFT), licensed educational psychologist (LEP), licensed clinical social worker (LCSW), ~~MFCC~~ MFT Intern, or Associate Clinical Social Worker of the statutes and regulations enforced by the Board of Behavioral Sciences.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

(18) Amend Section 1887.4 to read as follows:

ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR ~~MARRIAGE, FAMILY, AND CHILD COUNSELORS~~ MARRIAGE AND FAMILY THERAPISTS AND LICENSED CLINICAL SOCIAL WORKERS

§1887.4. CONTINUING EDUCATION COURSE CONTENT

(a) A provider shall ensure that the content of a course shall be relevant to the practice of ~~marriage, family, and child counseling~~ marriage and family therapy or clinical social work and meet the requirements set forth in Sections 4980.54 and 4996.22 of the Code. The content of a course shall also be related to direct or indirect patient/client care.

(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).

(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).

(b) A provider shall ensure that a course has specific objectives that are measurable.

(c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

(19) Amend Section 1887.9 to read as follows:

§1887.9. COURSE ADVERTISEMENTS

A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:

- (a) the provider's name;
- (b) the provider number, if a board-approved provider;
- (c) the statement "Course meets the qualifications for _____ hours of continuing education credit for ~~MFCCs~~ MFTs and/or LCSWs as required by the California Board of Behavioral Sciences";
- (d) the provider's policy on refunds in cases of non-attendance by the registrant; and
- (e) a clear, concise description of the course content and objectives.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

ARTICLE 10. GROUP ADVERTISING AND REFERRAL SERVICES FOR ~~MARRIAGE, FAMILY, AND CHILD COUNSELORS~~ MARRIAGE AND FAMILY THERAPISTS

(20) Amend Section 1889 to read as follows:

§1889. DEFINITIONS

An "~~MFCC MFT~~ referral service" means a group advertising and referral service for ~~marriage, family, and child counselors~~ marriage and family therapists as provided for in Section 650.4 of the Code.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

(21) Amend Section 1889.1 to read as follows:

§1889.1. REGISTRATION

(a) The board shall issue a registration for an ~~MFCC~~ MFT referral service to an applicant who submits:

(1) a completed ~~MFCC MFT~~ Referral Service Registration Application (form no. 37A-309, new 8/97), hereby incorporated by reference;

(2) a copy of the service's standard form contract regulating its relationship with member ~~marriage, family, and child counselors~~ marriage and family therapists, demonstrating compliance with Section 650.4 of the Code and this article; and

(3) a copy of the service's advertising, demonstrating compliance with Section 650.4 of the Code and this article.

(b) An ~~MFCC~~ MFT referral service registration issued under this section shall remain valid until suspended or revoked, or until the ~~MFCC MFT~~ referral service notifies the board in writing that the service has discontinued referrals to any marriage, family, and child counselors and no longer desires registration, provided there are no pending disciplinary actions on the ~~MFCC~~ MFT referral service's registration.

(c) It is unlawful for any ~~MFCC~~ MFT referral service to make referrals to participating or member ~~marriage, family, and child counselors~~ marriage and family therapists unless at the time of so doing such service holds a registration that is valid and in good standing.

(d) An ~~MFCC~~ MFT referral service registration is non-transferable.

(e) An ~~MFCC~~ MFT referral service shall notify the board within thirty (30) days concerning any changes or modifications to the service's standard form contract regulating its relationship with member ~~marriage, family, and child counselors~~ marriage and family therapists, providing a copy of the new contract to the board.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

(22) Amend Section 1889.2 to read as follows:

§1889.2. REVOCATION OR DENIAL OF REGISTRATION

(a) The board may revoke its registration of an ~~MFCC~~ MFT referral service or deny an ~~MFCC~~ MFT referral service application for good cause. For the purposes of this subsection, "responsible party" includes any owner, co-owner, or member on the board of directors of an ~~MFCC~~ MFT referral service. Good cause includes, but is not limited to, the following:

(1) the responsible party of an ~~MFCC~~ MFT referral service is convicted of a felony or misdemeanor offense substantially related to the activities of an ~~MFCC~~ MFT referral service;

(2) the responsible party of an ~~MFCC~~ MFT referral service, who is a licensee of the board, fails to comply with any provisions of Chapters 13 and 14 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations;

(3) an ~~MFCC~~ MFT referral service fails to comply with any provisions of Sections 650, 650.4, or 651 of the Code or these regulations; or

(4) an ~~MFCC~~ MFT referral service makes a material misrepresentation of fact in information submitted to the board.

(b) After a thorough case review, should the board decide to revoke or deny its registration of an ~~MFCC~~ MFT referral service, it shall give the ~~MFCC~~ MFT referral service written notice setting forth its reasons for revocation or denial. The ~~MFCC~~ MFT referral service may appeal the revocation or denial in writing, within fifteen (15) days after service of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point.

Should the board's designee decide to uphold the revocation or denial, the ~~MFCC~~ MFT referral service may appeal the decision of the board's designee in writing, within fifteen (15) days after service of the decision of the board's designee, and request a hearing with a referral services appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The referral services appeals committee shall contain three board members, one of whom shall be a public member, and two of whom shall be members representing two of the three license types regulated by the board. The decision of the referral services appeals committee is final.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

(23) Amend Section 1889.3 to read as follows:

§1889.3. ADVERTISING AND REFERRAL GUIDELINES

(a) An ~~MFCC~~ MFT referral service shall advertise and make referrals in accordance with Sections 650.4 and 651 of the Code and Section 1811 of these regulations.

(b) An ~~MFCC~~ MFT referral service shall only make referrals to ~~marriage, family, and child counselors~~ marriage and family therapists with current, valid licenses. Referrals made to ~~marriage, family, and child counselors~~ marriage and family therapists on probation shall be made in accordance with the terms of probation set by the board.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES

Sections Affected: 1805.1, 1807, 1807.2, 1811, 1816, 1816.1, 1816.4, 1833, 1833.1, 1833.2, 1846, 1846.1, 1850.7, 1874, 1886, 1887.4, 1887.9, 1889, 1889.1, 1889.2 and 1889.3

Justification for Changes Without Regulatory Effect:

AB 1449, Statutes of 1998, changed the licensing title from licensed marriage, family and child counselor or marriage, family and child counselor to licensed marriage and family therapist or marriage and family therapist.

In addition, SB 1077, Statutes of 2003, deleted the specific settings in which Trainees and Interns gain experience and further elaborated on the experience to be gained. As a result, the Board is deleting references to these settings in Section 1833.1 of Title 16 of the California Code of Regulations at subdivision (a), (10) as on the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" form. The proposed form now reflects the new statutory requirements for trainees and interns consistent with Business and Professions Code Sections 4980.43 (e), (f).

These changes are necessary to update Title 16 California Code of Regulations to reflect these changes. The changes qualify as Title 1, CCR, section 100 change, because they do "...not materially alter any requirements, right, responsibility, condition, prescription, or other regulator element of any California Code of Regulations provision."

LIST OF SECTIONS AFFECTED TO AMEND:

1805.1, 1807, 1807.2, 1811, 1816, 1816.1, 1816.4, 1833, 1833.1, 1833.2, 1846, 1846.1, 1850.7, 1874, 1886, 1887.4, 1887.9, 1889, 1889.1, 1889.2 and 1889.3