



Board of Behavioral Sciences



1625 North Market Blvd., Suite S-200  
Sacramento, CA 95834  
(916) 574-7830 | TDD (800) 326-2297  
[www.bbs.ca.gov](http://www.bbs.ca.gov)

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

## **BOARD MEETING Notice and Agenda**

**September 12-14, 2018**

**Department of Consumer Affairs  
HQ2 Hearing Room  
1747 North Market Blvd  
Sacramento, CA 95834**

*While the Board intends to webcast this meeting, it may not be possible to webcast the entire 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, September 12, 2018 1:00 p.m.**

- 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 action on any matter 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 Sharon Leslie Bain, AMFT 76222
- V. Petition for Early Termination of Probation for James William Gilber, AMFT 92260
- VI. Petition for Early Termination of Probation for Jake David Myers, LMFT 8845

**CLOSED SESSION**

- VII. 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.

**RECONVENE IN OPEN SESSION**

- VIII. Recess Until 9:00 a.m. on Thursday, September 13, 2018

**Agenda**  
**Thursday, September 13, 2018**  
**9:00 a.m.**

IX. Call to Order and Establishment of Quorum

X. Public Comment for Items Not on the Agenda

*Note: The Board may not discuss or take action on any matter 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)]*

XI. Suggestions for Future Agenda Items

XII. Petition for Modification of Probation for Chevelle Marie Bourdon, ASW 76998

XIII. Petition for Early Termination of Probation for Stella Monday, LMFT 22363

XIV. Petition for Early Termination for Srbui Ovsepyan, LMFT 77648

XV. Petition for Modification of Probation for James Edgar Thompson, AMFT 99505

**CLOSED SESSION**

XVI. 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.

**RECONVENE IN OPEN SESSION**

XVII. Recess Until 9:00 a.m., Friday, September 14, 2018

**Agenda**  
**Friday, September 14, 2018**  
**9:00 a.m.**

- XVIII. Call to Order, Establish a Quorum, Introductions\*
- XIX. Consent Calendar
  - a. Approval of the February 21-22, 2018 Board Meeting Minutes
  - b. Approval of the April 12, 2018 Board Meeting Minutes
- XX. Board Chair Report
  - a. Board Member Activities
  - b. Welcome New Board Members
  - c. Recognition of Board Staff
- XXI. Department of Consumer Affairs Update
  - a. Discussion of Timeframes for Regulation Packages Once Submitted to the Department
    - i. Status of Enforcement Process Regulation Package (revisions to Board's Disciplinary Guidelines)
    - ii. Status of Contact Information; Application Requirements: Incapacitated Supervisors Regulation Package
    - iii. Status of Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee
  - b. Discussion on Distributed Cost Allocations and DCA's 2018 Report to the Legislature
  - c. Status of Executive Officer Salary Study
- XXII. Executive Officer's Report
  - a. Budget Report
  - b. Operations Report
  - c. Personnel Report
  - d. Strategic Plan Update
- XXIII. Presentation, Discussion, and Possible Action Regarding an Alternative Option to License Surrender in Disciplinary Cases Involving Neuro-Cognitive Degenerative Disorders – Dr. Steven Frankel
- XXIV. Discussion and Possible Action Regarding Associates Paying for Supervision
- XXV. Update Regarding Reconvening the Substance Abuse Coordination Committee: Uniform Standard #4
- XXVI. Exempt Committee Update

- XXVII. Presentation Regarding the Licensed Mental Health Services Provider Education Program – Office of Statewide Health Planning and Development
- XXVIII. Discussion and Possible Action Regarding the Policy and Advocacy Committee Recommendations
- a. Recommendation #1 Regarding Proposed Revisions to Out-of-State Licensee Requirements for Licensed Professional Clinical Counselors
  - b. Recommendation #2 Regarding Proposed Revisions to Out-of-State Licensee Requirements for Licensed Marriage and Family Therapists
  - c. Recommendation #3 Regarding Proposed Revisions to Out-of-State Licensee Requirements for Licensed Clinical Social Workers
  - d. Recommendation #4 Regarding Adding a New Accepted Degree Title for Marriage and Family Therapist Licensure
  - e. Recommendation #5 Regarding Licensed Professional Clinical Counselor Supervision Requirements: Title 16, California Code of Regulations: Amend Sections 1820, 1820.5 and 1821; Add Sections 1821.1, 1821.2 and 1821.3; Repeal Section 1822.
  - f. Recommendation #6 Regarding Licensed Marriage and Family Therapist Supervision Requirements: Title 16, California Code of Regulations: Amend Sections 1833, 1833.1 and 1833.2; Add Sections 1833.1.5 and 1834.
  - g. Recommendation #7 Regarding Licensed Clinical Social Worker Supervision Requirements: Title 16, California Code of Regulations: Amend Sections 1870 and 1870.1; Add Sections 1869, 1870.5 and 1871; Repeal Section 1874.
- XXIX. Status on Board-Sponsored Legislation and other Legislation Affecting the Board
- a. Assembly Bill 93 (Medina): Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision
  - b. Assembly Bill 2117 (Arambula) Licensing Process Bill: Proposed Revisions to Business and Professions Code sections 4980.72, 4984.01, 4996.17, 4996.28, 4999.60, 4999.100
  - c. Senate Bill 1491 (Senate Business, Professions, and Economic Development Committee) Omnibus Bill – Proposed Technical and Non-Substantive Amendments to Business and Professions Code sections 27, 650.4, 865, 2290.5, 4980.37, 4980.39, 4980.41, 4980.72, 4980.78, 4980.79, 4990.30, 4992, 4996.17, 4999.14, 4999.22, 4999.32, 4999.48, 4999.60, 4999.62, 4999.63, 4999.100, and Family Code section 6924
  - d. Assembly Bill 456 (Thurmond) Healing Arts: Associate Clinical Social Worker, 90 Day Rule
  - e. Assembly Bill 1436 (Levine) Board of Behavioral Sciences: Suicide Prevention
  - f. Assembly Bill 2088 (Santiago) Patient Records: Addenda

- g. Assembly Bill 2138 (Chiu/Low) Licensing Boards: Denial of Application: Criminal Conviction
- h. Assembly Bill 2143 (Caballero) Licensed Mental Health Service Provider Education Program: Providers
- i. Assembly Bill 2302 (Baker) Child Abuse: Abuse: Sexual Assault: Mandated Reporters
- j. Assembly Bill 2608 (Stone) Licensed Mental Health Services Provider Education Program: Former Foster Youth
- k. Assembly Bill 2296 (Waldron) Professional Clinical Counselors
- l. Assembly Bill 2943 (Low) Unlawful Business Practices: Sexual Orientation Change Efforts
- m. Assembly Bill 2968 (Levine) Therapist Sexual Behavior and Sexual Contact
- n. Senate Bill 399 (Portantino) Health Care Coverage: PDD or Autism
- o. Senate Bill 906 (Beall) Medi-Cal: Mental Health Service: Peer, Parent, Transition Age and Family Support Specialist Certification.
- p. Senate Bill 968 (Pan) Postsecondary Education: Mental Health Counselor

XXX. Status of Board Rulemaking Proposals

- a. Enforcement Process: 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. Contact Information; Application Requirements; Incapacitated Supervisors: Amend Title 16, California Code of Regulations, sections 1804, 1805 and 1820.7; Add section 1815.8
- c. Examination Rescoring: Application Abandonment: APCC Subsequent Registration Fees: Amend Title 16, California Code of Regulations section 1816.1 – Add Fee for Subsequent Professional Clinical Counselor Intern Registrations

XXXI. Suggestions for Future Agenda Items

XXXII. Public Comment for Items Not on the Agenda

*Note: The Board may not discuss or take action on any matter 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)]*

XXXIII. 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 Chairperson. 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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Board of Behavioral Sciences

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# Memo

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:** Board Members

**Date:** September 4, 2018

**From:** Christina Kitamura  
Administrative Analyst

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

**Subject: Board Meeting Minutes**

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The Board approved the February 2018 Board Meeting Minutes and the April 2018 Board Meeting Minutes at its May 2018 meeting.

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Board of Behavioral Sciences

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# *Memo*

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**To:** Board Members

**Date:** September 6, 2018

**From:** Kim Madsen  
Executive Officer

**Telephone:** (916) 574-7841

**Subject:** DCA Update

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DCA will provide the Board an overview regarding the regulation process and an update on the Board's pending regulation packages. As part of the update, DCA will provide information regarding the Distributed Cost Allocations and DCA's 2018 Report to the Legislature, and the status of the Executive Officer Salary Study.

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Board of Behavioral Sciences



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

### BBS DISTRIBUTED COSTS (PRO RATA) BY FISCAL YEAR

DEPARTMENTAL PRORATA	15/16	16/17	17/18	18/19*
DP Billing (424.03)	\$ 1,591,000	\$ 1,482,000	\$ 1,670,000	\$ 684,000
Indirect Distribution Costs (427)	\$ 645,000	\$ 753,000	\$ 828,000	\$ 1,722,000
Public Affairs (427.34)	\$ 42,000	\$ 96,000	\$ 50,000	\$ 61,000
DOI Pro Rata (427.30)	\$ 16,000	\$ 22,000	\$ 22,000	\$ 26,000
Consumer Relations Division (427.35)	\$ -	\$ 6,000	\$ 49,000	\$ 63,000
OPP Support Services (427.01)	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
Consolidated Data Services (428)	\$ 26,000	\$ 30,000	\$ 28,000	\$ 29,000
Information Technology (431)	\$ 14,000	\$ 14,000	\$ 14,000	\$ 14,000
<b>Total</b>	<b>\$ 2,335,000</b>	<b>\$ 2,404,000</b>	<b>\$ 2,662,000</b>	<b>\$ 2,600,000</b>

\* Data entry error for DP Billing and Indirect Distribution Cost. Figures will be corrected by DCA Budgets

One the expenditures in the Board’s budget is Pro Rata, which funds the services provided by DCA. Some of these services include legal, human resources, budgets, facilities, public affairs, and information technology. The cost of the Board’s Pro Rata is based upon the Board’s authorized positions.

The DCA Guide to DCA Services provides detailed information regarding all the services attributed to Pro Rata.

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BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

**Executive Office**

1625 N. Market Boulevard, Suite S-308, Sacramento, CA 95834  
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June 29, 2018

The Honorable Jerry Hill, Chair  
Senate Business, Professions, and Economic Development Committee  
State Capitol, Room 2053  
Sacramento, CA 95814

The Honorable Evan Low, Chair  
Assembly Business and Professions Committee  
1020 N St., Room 383  
Sacramento, CA 95814

**Re: Annual Department of Consumer Affairs Distributed Costs Report**

Dear Senator Hill and Assembly Member Low:

Business & Professions Code Section 201 requires the Department of Consumer Affairs (Department) to submit a report of the accounting of its pro rata calculation of administrative expenses to the Legislature annually by July 1, 2018.

The Department's report includes the following attachments:

- An overview of the methodology used for allocating distributed costs
- A summary of costs by each service area of the Department for each board and bureau

The Department charges pro rata to recover its costs for centralized administrative services provided to the boards and bureaus. All the work it does is to support the boards and bureaus. The majority of distributed costs are based on workload and approximately one-third is distributed based on the size of the board or bureau. All savings achieved by the Department are returned to board and bureau funds at year-end.

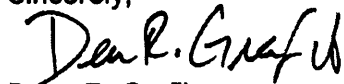
In an effort to improve services and identify efficiencies, the Department has convened a pro rata workgroup where boards and bureaus can raise any concerns, ask questions, and suggest changes to current practices. Additionally, the Budget Act of 2018 includes funding and positions to conduct Organizational Change Management review of the Department's centralized services.

In the attached spreadsheet of costs, there are six boards and bureaus that have higher than average costs at 30 percent or more of their annual budget. The following provides a brief explanation of the anomalies driving those costs in order of occurrence on the spreadsheet.

- **Board of Barbering and Cosmetology**: This board has a large licensee population and therefore their share of the costs for the BreEZe licensing and enforcement database is higher. The Department also receives a significant amount of calls in its Consumer Information Center (CIC) unit directly related to this board.
- **Medical Board of California**: The Department has an entire unit (Health Quality Investigation Unit) of sworn investigators and support staff dedicated to providing this board with enforcement services that accounts for nearly 80 percent of the costs this board pays the Department.
- **Naturopathic Medicine Committee**: The committee had a significant enforcement case that resulted in an increase to their costs to support the Department's Division of Investigation.
- **Board of Registered Nursing**: This board has a large licensee population and therefore their share of the costs for the BreEZe licensing and enforcement database is higher. Additionally, the board has a high volume of enforcement cases that are conducted by the Department's Division of Investigation.
- **Board of Vocational Nursing and Psychiatric Technicians**: This board has a higher than average number of cases referred to the Department's Division of Investigation and the costs of conducting those investigations accounts for more than half of the costs this board pays the Department.
- **Bureau of Security & Investigative Services**: Similar to the Board of Barbering and Cosmetology, this bureau has a large licensee population that contributes to larger shares of BreEZe and CIC costs.

Should you have any questions regarding this report, please contact Dennis Cuevas-Romero, Deputy Director for Legislation, at (916) 574-7800 or [Dennis.Cuevas-Romero@dca.ca.gov](mailto:Dennis.Cuevas-Romero@dca.ca.gov).

Sincerely,



Dean R. Grafilo  
Director

cc: Camille Wagner, Legislative Secretary, Governor's Office  
Melinda Grant, Deputy Legislative Secretary, Governor's Office  
Alexis Podesta, Secretary, Business, Consumer Services, and Housing Agency  
Shannon McKinley, Deputy Secretary of Legislation, Business, Consumer Services, and Housing Agency  
Clint Kellum, Assistant Program Budget Manager, Department of Finance  
Tiffany Garcia, Principal Program Budget Analyst, Department of Finance  
Helen Kerstein, Principal Fiscal and Policy Analyst, Legislative Analyst's Office  
Members of Senate Business, Professions, and Economic Development Committee  
Members of the Senate Budget Subcommittee No. 4  
Members of Assembly Business and Professions Committee  
Members of the Assembly Budget Subcommittee No. 4  
Executive Officers of Department's Boards, Committees, and Commission  
Chiefs of Department's Bureaus

Attachments:

Distributed Cost Methodology for Fiscal Year 2018-19  
2018-19 Department of Consumer Affairs Distributed Costs Spreadsheet



**DEPARTMENT OF CONSUMER AFFAIRS  
DISTRIBUTED COST METHODOLOGY FOR FISCAL YEAR 2018-19**

**CONSUMER AND CLIENT SERVICES DIVISION (CCSD)**

**1. ADMINISTRATIVE & INFORMATION SERVICES DIVISION (AISD):**

- A. *AISD LESS OFFICE OF INFORMATION SERVICES* (which consists of the Executive Office, Equal Employment Opportunity Office, Internal Audits, Legal Affairs, Legislative Affairs, SOLID Training & Planning Solutions, Information Security, and the Office of Administrative Services [which consists of Fiscal Operations, Business Services Office, Office of Human Resources]): Distributed costs to all boards/bureaus/programs based on authorized position count.
- B. *OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES)*: Most Services are direct costs based on individual intra-agency agreements with boards/bureaus/programs. Small portion of budget distributed to boards/bureaus/programs required to report pursuant to B&P 139 based on authorized position count.
- C. *OFFICE OF INFORMATION SERVICES (OIS)*: Distributed costs based on service center usage. Cost centers include ATS/CAS, BreEZe, telecom, PC support, LAN/WAN, and web services among others.

**2. COMMUNICATIONS DIVISION:**

- A. *PUBLIC AFFAIRS*: Distributed costs based on authorized position count.
- B. *PUBLICATIONS, DESIGN AND EDITING*: Distributed costs based on authorized position count.
- C. *DIGITAL PRINT SERVICES*: Direct costs based on individual service request.

**3. DIVISION OF PROGRAM AND POLICY REVIEW:**

- A. *CONSUMER INFORMATION CENTER (CIC)*: Distributed costs based on client's past year workload to determine the client's distributed costs in budget year. Non-jurisdictional call costs distributed to all boards/bureaus/programs based on authorized position count.
- B. *CORRESPONDENCE UNIT*: Distributed costs based on client's past year workload to determine the client's distributed costs in budget year. Non-jurisdictional correspondence costs distributed to all boards/bureaus/programs based on authorized position count.
- C. *POLICY REVIEW (PRP)*: Distributed costs based on authorized position count.

**DIVISION OF INVESTIGATION (DOI)**

- A. *SPECIAL OPERATIONS UNIT*: Distributed costs based on authorized position count.
- B. *HEALTH QUALITY INVESTIGATION UNIT (HQIU)*: Costs distributed fully to the Medical Board of California. Costs incurred by Allied Health Programs are based on an hourly rate and invoiced directly with reimbursement going to the Medical Board.
- C. *INVESTIGATION & ENFORCEMENT UNIT*: Fee for service: Based on two-year roll-forward methodology. This methodology uses a client's actual workload/costs in past year to determine the client's budget in budget year, which will cover the budget year estimated workload, plus any credit or debit for services already provided.
- D. *CANNABIS ENFORCEMENT UNIT (CEU)*: Costs distributed fully to the Bureau of Cannabis Control.

2018-19 Department of Consumer Affairs Distributed Costs  
Budget Act of 2018

Board/ Bureau Name	2018-19 Approved Expenditure	Consumer and Client Services Division					Division of Program & Policy Review					Division of Investigation					TOTAL	% of Budget
		Administrative & Information Services Division	Communications Division	Public Affairs	Publications Division	Consumer Information Center	Compliance & Policy Review	Policy Review	Social Investigations Unit	Health Quality Investigation Unit	Investigation & Enforcement Unit	Sanitable Enforcement Unit						
Accountancy	89.8	1,143,000	263,000	-	47,000	41,000	44,000	23,000	11,000	41,000	1,029,000	1,143,000	14%					
Board of Architectural Examiners	24.9	317,000	317,000	-	13,000	12,000	6,000	12,000	1,000	16,000	740,000	817,000	19%					
Landscaping & Pesticide Control Committee	5.3	82,000	82,000	-	2,000	2,000	2,000	2,000	1,000	2,000	88,000	93,000	11%					
Medical Conveyors	10.2	133,000	133,000	-	2,000	2,000	2,000	2,000	1,000	3,000	138,000	148,000	11%					
Board of Behavioral Sciences	0.5	8,000	8,000	-	813,000	813,000	-	-	-	-	821,000	829,000	17%					
Board of Cosmetology	80.0	598,000	598,000	-	37,000	36,000	19,000	7,000	20,000	20,000	677,000	757,000	13%					
Chiropractic Examiners	19.4	299,000	299,000	-	6,000	6,000	7,000	2,000	4,000	4,000	312,000	331,000	11%					
Barbering & Cosmetology	92.2	1,381,000	1,381,000	-	50,000	49,000	49,000	11,000	11,000	41,000	1,533,000	1,625,000	18%					
Contractors State License Bd	400.6	4,670,000	4,670,000	-	190,000	188,000	49,000	49,000	52,000	160,000	5,068,000	5,468,000	19%					
Denial Assessment Program	88.0	1,018,000	986,000	-	39,000	33,000	42,000	23,000	6,000	29,000	1,137,000	1,225,000	12%					
Denial Assessment Program Bd	11.1	187,000	187,000	-	6,000	5,000	2,000	2,000	1,000	5,000	202,000	214,000	10%					
Denial Hygiene Committee	10.2	131,000	131,000	-	6,000	5,000	7,000	2,000	1,000	5,000	153,000	163,000	12%					
Medical Board of California	173.9	2,988,000	646,000	-	83,000	82,000	7,000	33,000	23,000	77,000	3,174,000	3,347,000	11%					
Architecture Board	12.0	179,000	179,000	-	6,000	6,000	6,000	3,000	1,000	5,000	196,000	206,000	12%					
Physical Therapy Board	21.4	318,000	318,000	-	6,000	6,000	6,000	3,000	1,000	5,000	333,000	354,000	11%					
Physician Assistant Board	4.5	87,000	87,000	-	2,000	2,000	2,000	1,000	1,000	2,000	92,000	99,000	11%					
Board of Podiatric Medicine	5.2	78,000	78,000	-	2,000	2,000	2,000	1,000	1,000	2,000	85,000	92,000	11%					
Board of Psychology	23.3	348,000	348,000	-	12,000	11,000	13,000	6,000	4,000	10,000	374,000	403,000	11%					
Temporary Care Board	17.2	282,000	282,000	-	8,000	8,000	9,000	4,000	2,000	5,000	298,000	315,000	11%					
Speech-Language & A/Hearing Aid	11.6	172,000	172,000	-	181,000	181,000	-	-	-	-	353,000	364,000	10%					
Occupational Therapy	15.2	228,000	228,000	-	111,000	114,000	11,000	6,000	4,000	7,000	266,000	281,000	12%					
Board of Optometry	10.4	152,000	152,000	-	188,000	187,000	19,000	9,000	5,000	12,000	391,000	403,000	13%					
Regulatory Dispensing Opticians	2.0	79,000	79,000	-	14,000	14,000	14,000	7,000	3,000	5,000	117,000	124,000	10%					
Optometric Medical Board	11.4	171,000	171,000	-	6,000	6,000	6,000	3,000	1,000	4,000	187,000	198,000	11%					
Neuroscience Medicine	2.0	30,000	30,000	-	1,000	1,000	1,000	1,000	1,000	1,000	34,000	36,000	9%					
Board of Pharmacy	111.1	1,820,000	1,820,000	-	58,000	58,000	1,000	1,000	1,000	1,000	1,930,000	2,042,000	11%					
Board for Prof. Engineers, Land Surveyors & Geologists	65.7	893,000	602,000	-	35,000	32,000	19,000	14,000	20,000	28,000	938,000	1,003,000	9%					
Board of Registered Nursing	180.8	2,712,000	1,899,000	-	89,000	86,000	112,000	33,000	8,000	81,000	2,904,000	3,084,000	11%					
Board of Registered Dietitians	4.2	67,000	67,000	-	2,000	2,000	3,000	1,000	1,000	2,000	75,000	80,000	11%					
Statewide Pest Control	29.9	447,000	447,000	-	15,000	14,000	8,000	3,000	2,000	5,000	482,000	507,000	11%					
Veterinary Medical Board	21.3	318,000	296,000	-	11,000	11,000	13,000	2,000	2,000	5,000	337,000	359,000	11%					
Vocational Nursing & Psychiatric Technicians	87.9	887,000	668,000	-	38,000	33,000	30,000	2,000	2,000	5,000	922,000	977,000	11%					
Autism Certification Program	8.8	117,000	83,000	-	4,000	4,000	2,000	1,000	1,000	2,000	126,000	133,000	11%					
Private Security Services	59.4	898,000	1,840,000	-	2,000	1,187,000	41,000	7,000	2,000	28,000	2,060,000	2,158,000	24%					
Private Investigators	4.3	67,000	67,000	-	2,000	2,000	1,000	1,000	1,000	2,000	73,000	77,000	11%					
Private Investigator	108.6	1,582,000	1,252,000	-	59,000	54,000	55,000	13,000	2,000	46,000	1,662,000	1,714,000	11%					
Electronics Applications Review	18.6	281,000	281,000	-	9,000	12,000	12,000	2,000	2,000	8,000	295,000	313,000	11%					
Investigative Services	26.9	424,000	358,000	-	14,000	14,000	7,000	3,000	1,000	13,000	448,000	461,000	11%					
State Hearings	1.0	108,000	108,000	-	5,000	5,000	2,000	1,000	1,000	2,000	117,000	123,000	11%					
Automotive Repair (VARS)	639.6	7,082,000	5,063,000	-	243,000	679,000	184,000	79,000	79,000	246,000	7,668,000	8,014,000	12%					
Automotive Repair (PPRPA)	54.0	799,000	563,000	-	3,000	3,000	1,000	1,000	1,000	3,000	806,000	840,000	10%					
Automotive Repair (EM)	9.0	132,000	58,000	-	4,000	4,000	2,000	1,000	1,000	2,000	143,000	151,000	11%					
Concreting & Fining	23.5	354,000	272,000	-	11,000	11,000	6,000	3,000	3,000	10,000	373,000	393,000	11%					
Bureau of Real Estate Appraisers	33.8	582,000	55,000	-	12,000	16,000	8,000	5,000	5,000	14,000	614,000	647,000	10%					
Professional Education Bureau	3.0	43,000	39,000	-	1,000	1,000	1,000	1,000	1,000	1,000	46,000	49,000	10%					
Bureau of Corporate Control	219.9	1,955,000	22,133,000	-	1,000	1,000	43,000	23,000	10,000	1,000	2,000,000	2,026,000	22%					
TOTAL	2,688.4	37,066,000	22,133,000	-	1,780,000	1,320,000	3,651,000	891,900	314,900	1,068,000	43,332,000	45,019,000	22%					

1. The Board of Barbering and Cosmetology has a large licensee population and therefore their share of the costs for the Bar-Cos licensing and enforcement database system higher. The Department also receives a significant amount of workload in its Consumer Information Center (CIC) unit directly related to the board.

2. The Medical Board of California funds the Department's Health Quality Investigation Unit, a unit of sworn investigators and support staff dedicated to providing the board with enforcement services that account for nearly 60% of the cost the board pays the Department.

3. The Motor Vehicle License Committee had a significant enforcement case that resulted in a increase to their costs to support the Department's Division of Investigation.

4. The Board of Vocational Nursing has a large licensee population that contributes to larger share of Bar-Cos and CIC costs. Additionally, the board has a high volume of enforcement cases that are conducted by the Department's Division of Investigation.

5. The Board of Vocational Nursing and Psychiatric Technicians has a higher than average number of cases referred to the Department's Division of Investigation and the costs of conducting those investigations accounts for over half of the costs the board pays the Department.

6. The Bureau of Security and Investigative Services has a large licensee population that contributes to larger share of Bar-Cos and CIC costs, similar to the Board of Barbering and Cosmetology.

7. The Bureau of Criminal Control is implementing a new enforcement technology system, which is paid for and supported through the Department. Additionally, similar to the Medical Board, the Department has a unit (Criminal Enforcement Unit) of sworn investigators and support staff dedicated solely to this bureau.

**2017/2018 Budget**

The Board's budget for Fiscal Year (FY) 2017/2018 was \$12,097,000. You will recall that on July 1, 2017, the Department of Consumer Affairs transitioned to a new system for budgets, account, and procurements – FI\$Cal. The transition has and continues to be challenging. The system is working and capturing all expenditure and revenue transactions for DCA.

Yet, some technical issues remain that affect the DCA Budget Office's ability to conduct timely month end closing and produce reconciled monthly expenditure and revenue reports. Consequently, a full fiscal year end report is not currently available. The DCA Budget Office estimates that a full fiscal year end report will be available March 2019. DCA Executive Office continues its ongoing efforts with the FI\$Cal Director to resolve all concerns and technical issues related to the FI\$Cal system. As previously reported, this situation is not unique to DCA. All statewide entities transitioning to FI\$Cal are affected.

Based on the information currently available, the Board spent 98% of its budget and projects a reversion just over \$200,000. The chart below provides a breakdown of expense categories and percentages based upon the information available to the Board.

<b>Expense Category</b>	<b>Amount</b>	<b>Percentage</b>
Personnel	\$5,064,441	42%
OE&E	\$4,551,000	38%
Enforcement	\$2,219,000	18%
Minor Equipment	\$45,000	0% (0.4)
<b>Total Expenses</b>	<b>\$11,879,441</b>	<b>98%</b>

**2018/2019 Budget**

The Board's budget for fiscal year 2018/2019 is \$11,550,000. The attached expenditure log reflects the information currently available to the Board.

**General Fund Loans**

The Board's Fund Condition report reflects a \$3.3 million loan repayment in fiscal year 2018/2019. This is the final payment of the \$12.3 million dollars previously loaned to the General Fund.

**Board Fund Condition**

The Board's Fund Condition for FY 2018/2019 reflects a 4.6 month reserve.

### **Impact of Departure of the Bureau of Real Estate to the Board Budget**

Senate Bill 173 (Dodd), Chapter 828, Statutes of 2017 removes the Bureau of Real Estate (BRE) from DCA and establishes BRE as its own Department effective July 1, 2018. The departure of BRE creates a budgetary challenge for DCA. BRE's share of DCA's distributed costs (pro rata) was approximately \$5.8 million dollars. Absent any significant changes to DCA's budget, the remaining boards and bureaus' pro rata will be impacted.

DCA created a workgroup of Executive Officers (Pro Rata Work Group) to identify areas of centralized services that may be eliminated, consolidated, or revised to improve efficiencies. The meetings have identified areas that meet these categories. Through the Budget Change Proposal process, DCA proposes the elimination of some positions to reduce the fiscal impact to the remaining boards and bureaus. This proposal must be approved by the Legislature.

Further, the exit of BRE will be a phased-out approached. For a specified period of time, BRE will continue to utilize some DCA centralized services. These two proposals attempt to minimize the impact of the BRE departure to the remaining boards and bureaus.

Pro Rata includes a variety of services – legal, personnel, budget, training, communications, and policy review. Each board/bureau share of cost is calculated based on position count and/or usage depending on the service. Pro Rata naturally increases due to increases/changes to employee compensation. Currently, the Board pays approximately \$2.5 million dollars in pro rata. Based on estimates for employee compensation for fiscal year 2018/2019, the DCA Budget Office estimates the Board's pro rata will increase approximately \$70,000.

### **Board Fee Audit**

Board staff has begun the process securing services for the fee audit. Possible contractors have been surveyed, and staff is projecting that work will begin on the actual audit within the first quarter of FY 2018/19.

Updates will be provided at the next Board meeting.

# 0773 - Behavioral Science Analysis of Fund Condition

(Dollars in Thousands)

Prepared 8/22/18

## Budget Act 2018 with 2019-20 AG/OAH BCP

	ACTUAL 2013-14	Actual 2014-15	ACTUAL 2015-16	ACTUAL 2016-17	ACTUAL 2017-18	CY 2018-19	BY 2019-20	BY+1 2020-21	BY+2 2021-22	BY+3 2022-23
<b>BEGINNING BALANCE</b>	\$ 1,468	\$ 3,309	\$ 3,958	\$ 7,691	\$ 5,647	\$ 5,408	\$ 4,620	\$ 1,115	\$ -3,689	\$ -8,737
Prior Year Adjustment	\$ 215	\$ 119	\$ 86	\$ 61	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2
Adjusted Beginning Balance	\$ 1,683	\$ 3,428	\$ 4,044	\$ 7,752	\$ 5,647	\$ 5,408	\$ 4,620	\$ 1,115	\$ (3,689)	\$ (8,735)
<b>REVENUES AND TRANSFERS</b>										
Revenues:										
4129200 Other regulatory fees	\$ 81	\$ 74	\$ 117	\$ 181	\$ 191	\$ 182	\$ 182	\$ 182	\$ 182	\$ 182
4129400 Other regulatory licenses and permits	\$ 2,339	\$ 2,680	\$ 3,462	\$ 4,345	\$ 3,580	\$ 2,900	\$ 2,900	\$ 2,900	\$ 2,900	\$ 2,900
4127400 Renewal fees	\$ 5,071	\$ 5,019	\$ 5,242	\$ 5,161	\$ 5,217	\$ 5,265	\$ 5,265	\$ 5,265	\$ 5,265	\$ 5,265
4121200 Delinquent fees	\$ 75	\$ 90	\$ 86	\$ 99	\$ 92	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
4163000 Income from surplus money investments	\$ 5	\$ 9	\$ 18	\$ 53	\$ 54	\$ 6	\$ 3	\$ -	\$ -	\$ -
4171500 Escheat of unclaimed property				\$ 1	\$ 5	\$ -	\$ -	\$ -	\$ -	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 3	\$ 3	\$ 4	\$ 3	\$ 5	\$ -	\$ -	\$ -	\$ -	\$ -
4172500 Miscellaneous revenues	\$ 4	\$ 4	\$ 4	\$ 5	\$ 1	\$ 4	\$ 4	\$ 4	\$ 4	\$ 4
Totals, Revenues	\$ 7,994	\$ 8,201	\$ 10,181	\$ 9,848	\$ 9,145	\$ 8,457	\$ 8,454	\$ 8,451	\$ 8,451	\$ 8,451
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	\$ 9,394	\$ 9,201	\$ 13,781	\$ 9,848	\$ 12,145	\$ 11,757	\$ 8,454	\$ 8,451	\$ 8,451	\$ 8,451
Totals, Resources	\$ 11,077	\$ 12,629	\$ 17,825	\$ 17,600	\$ 17,792	\$ 17,165	\$ 13,074	\$ 9,566	\$ 4,762	\$ (284)
<b>EXPENDITURES</b>										
Disbursements:										
1111 DCA Regulatory Boards, Bureaus, Divisions (State Operations)	\$ -	\$ -	\$ -	\$ 11,452	\$ 11,677	\$ 11,487	\$ 11,958	\$ 12,197	\$ 12,441	\$ 12,690
1110 DCA Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 7,731	\$ 8,664	\$ 10,117	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for California (State Operations)	\$ 37	\$ 7	\$ 17	\$ 13	\$ 15	\$ 1 #	\$ 1	\$ 1	\$ 1	\$ 1
9892 Supplemental Pension Payment (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ -	\$ -	\$ -	\$ 488	\$ 692	\$ 957	\$ 957	\$ 957	\$ 957	\$ 957
Total Disbursements	\$ 7,768	\$ 8,671	\$ 10,134	\$ 11,953	\$ 12,384	\$ 12,545	\$ 11,959	\$ 13,255	\$ 13,499	\$ 13,748
<b>FUND BALANCE</b>										
Reserve for economic uncertainties	\$ 3,309	\$ 3,958	\$ 7,691	\$ 5,647	\$ 5,408	\$ 4,620	\$ 1,115	\$ -3,689	\$ -8,737	\$ -14,032
<b>Months in Reserve</b>	4.6	4.7	7.7	5.5	5.2	4.6	1.0	-3.3	-7.6	-12.2

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR IN BY+1 AND ON-GOING.
- C. ASSUMES INTEREST RATE AT 0.3%.

**BBS EXPENDITURE REPORT FY 2017/2018**

OBJECT DESCRIPTION	FY 2016/17	FY 2017/2018			
	ACTUAL EXPENDITURES	BUDGET ALLOCATION	CURRENT AS OF 4/20/2018	PROJECTIONS	UNENCUMBERED BALANCE
<b>PERSONAL SERVICES</b>					
Salary & Wages (Civ Svc Perm)	2,864,112	3,059,000	1,576,060	2,985,000	74,000
Salary & Wages (Stat Exempt)	103,365	91,000	63,168	108,289	(17,289)
Temp Help (907)(Seasonals)	69,498	0	157,307	194,152	(194,152)
Temp Help (915)(Proctors)	0	0	0	0	0
Board Memb (Per Diem)	15,700	13,000	7,200	13,000	0
Overtime	3,708	2,000	1,055	2,000	0
Totals Staff Benefits	1,678,785	1,848,000	1,059,603	1,762,000	86,000
<b>TOTALS, PERSONAL SERVICES</b>	<b>4,735,168</b>	<b>5,013,000</b>	<b>2,864,393</b>	<b>5,064,441</b>	<b>(51,441)</b>
<b>OPERATING EXP &amp; EQUIP</b>					
Fingerprint Reports	13,240	15,000	0	5,000	10,000
General Expense	72,279	63,000	0	80,000	(17,000)
<b>Printing</b>	<b>84,553</b>	<b>25,000</b>	<b>0</b>	<b>85,000</b>	<b>(60,000)</b>
Communication	11,512	16,000	0	12,000	4,000
Insurance	58	0	0	0	0
<b>Postage</b>	<b>42,101</b>	<b>69,000</b>	<b>2,149</b>	<b>50,000</b>	<b>19,000</b>
<b>Travel, In State</b>	<b>113,196</b>	<b>59,000</b>	<b>81,886</b>	<b>125,000</b>	<b>(66,000)</b>
Travel, Out-of-State	0	72,000	1,642	5,000	67,000
<b>Training</b>	<b>3,144</b>	<b>27,000</b>	<b>0</b>	<b>3,000</b>	<b>24,000</b>
Facilities Operations	240,626	228,000	172,249	425,000	(197,000)
Utilities	0	4,000	0	0	4,000
C&P Services - Interdept.	0	15,000	0	0	15,000
<b>C&amp;P Services-External Contracts</b>	<b>23,498</b>	<b>272,000</b>	<b>0</b>	<b>40,000</b>	<b>232,000</b>
<b>DEPARTMENTAL PRORATA</b>					
DP Billing (424.03)	1,428,381	1,670,000	974,167	1,670,000	0
Indirect Distribution Costs (427)	750,084	828,000	483,000	828,000	0
Public Affairs (427.34)	92,454	50,000	29,167	50,000	0
D of I Prorata (427.30)	20,238	22,000	12,833	22,000	0
Consumer Relations Division (427.35)	3,923	49,000	28,583	49,000	0
OPP Support Services (427.01)	0	1,000	583	1,000	0
Interagency Services (OPES IACs)	231,140	325,000	0	350,000	(25,000)
Consolidated Data Services (428)	10	28,000	3,120	28,000	0
Information Technology (431)	4,095	14,000	1,028	14,000	0
Statewide Pro Rata (438)	0	0	0	0	0
<b>EXAM EXPENSES</b>					
Exam Site Rental (Fairfield Inn)(343.20)	0	100,000	0	59,000	41,000
Exam Contract (PSI) (404.00)	651,208	359,000	0	600,000	(241,000)
C/P Svs - Expert Examiners (404.01)	0	45,000	0	0	45,000
C/P Svs - External Subj Matter (404.03)	257,200	365,000	0	50,000	315,000
<b>ENFORCEMENT</b>					
Attorney General	1,274,123	1,339,000	0	1,280,000	59,000
Office of Admin. Hearing	216,656	280,000	118,255	280,000	0
Court Reporters	10,745	95,000	0	20,000	75,000
Evidence/Witness Fees	28,075	15,000	0	50,000	(35,000)
Division of Investigation	371,795	589,000	343,583	589,000	0
<b>Minor Equipment (226)</b>	<b>64,746</b>	<b>7,000</b>	<b>0</b>	<b>17,000</b>	<b>(10,000)</b>
<b>Equipment, Replacement (452)</b>	<b>0</b>	<b>19,000</b>	<b>0</b>	<b>20,000</b>	<b>(1,000)</b>
<b>Equipment, Additional (472)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,000</b>	<b>(8,000)</b>
<b>Vehicle Operations</b>	<b>0</b>	<b>19,000</b>	<b>0</b>	<b>0</b>	<b>19,000</b>
<b>TOTAL, OE&amp;E</b>	<b>6,009,080</b>	<b>7,084,000</b>	<b>2,252,245</b>	<b>6,815,000</b>	<b>269,000</b>
<b>TOTAL EXPENDITURES</b>	<b>\$10,744,248</b>	<b>\$12,097,000</b>	<b>\$5,116,638</b>	<b>\$11,879,441</b>	<b>\$217,559</b>

**BLUE PRINT** INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

**BBS EXPENDITURE REPORT FY 2018/2019**

OBJECT DESCRIPTION	FY 2017/18	FY 2018/19		
	ACTUAL EXPENDITURES	BUDGET ALLOCATION	CURRENT AS OF	UNENCUMBERED BALANCE
<b>PERSONAL SERVICES</b>				
Salary & Wages (Civ Svc Perm)		3,158,000	0	3,158,000
Salary & Wages (Stat Exempt)		91,000	0	91,000
Temp Help (907)(Seasonals)				0
Temp Help (915)(Proctors)			0	0
Board Memb (Per Diem)		13,000	0	13,000
Overtime		2,000	0	2,000
Totals Staff Benefits		1,915,000	0	1,915,000
<b>TOTALS, PERSONAL SERVICES</b>		<b>5,179,000</b>	<b>0</b>	<b>5,179,000</b>
<b>OPERATING EXP &amp; EQUIP</b>				
Fingerprint Reports		15,000	161	14,839
General Expense		66,000	2,618	63,382
<b>Printing</b>		<b>26,000</b>	<b>0</b>	<b>26,000</b>
Communication		18,000	28	17,972
Insurance		0		0
<b>Postage</b>		<b>70,000</b>	<b>1,140</b>	<b>68,860</b>
<b>Travel, In State</b>		<b>59,000</b>	<b>0</b>	<b>59,000</b>
Travel, Out-of-State		72,000	0	72,000
<b>Training</b>		<b>28,000</b>	<b>0</b>	<b>28,000</b>
Facilities Operations		228,000	44	227,956
Utilities		4,000	0	4,000
C&P Services - Interdept.		15,000	0	15,000
<b>C&amp;P Services-External Contracts</b>		<b>129,000</b>	<b>0</b>	<b>129,000</b>
<b>DEPARTMENTAL PRORATA</b>				
DP Billing (424.03)		684,000	0	684,000
Indirect Distribution Costs (427)		1,722,000	0	1,722,000
Public Affairs (427.34)		61,000	0	61,000
D of I Prorata (427.30)		26,000	0	26,000
Consumer Relations Division (427.35)		63,000	0	63,000
OPP Support Services (427.01)		1,000	0	1,000
Interagency Services (OPES IACs)		325,000	0	325,000
Consolidated Data Services (428)		29,000	0	29,000
Information Technology (431)		14,000		14,000
Statewide Pro Rata (438)		0	0	0
<b>EXAM EXPENSES</b>				
Exam Site Rental (Fairfield Inn)(343.20)		100,000	10,072	89,928
Exam Contract (PSI) (404.00)		359,000	0	359,000
C/P Svs - Expert Examiners (404.01)		45,000		45,000
C/P Svs - External Subj Matter (404.03)		467,000	0	467,000
<b>ENFORCEMENT</b>				
Attorney General		939,000	102,205	836,795
Office of Admin. Hearing		240,000	0	240,000
Court Reporters		15,000	6,277	8,723
Evidence/Witness Fees		95,000	0	95,000
Division of Investigation		417,000	0	417,000
<b>Minor Equipment (226)</b>		<b>14,000</b>	<b>934</b>	<b>13,066</b>
<b>Equipment, Replacement (452)</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Equipment, Additional (472)</b>		<b>6,000</b>	<b>0</b>	<b>6,000</b>
<b>Vehicle Operations</b>		<b>19,000</b>	<b>0</b>	<b>19,000</b>
<b>TOTAL, OE&amp;E</b>		<b>6,371,000</b>	<b>123,479</b>	<b>6,247,521</b>
<b>TOTAL EXPENDITURES</b>		<b>\$11,550,000</b>	<b>\$123,479</b>	<b>11,426,521</b>

**BLUE PRINT** INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

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### **Board Statistics**

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

### **Licensing Program**

Overall, application volumes increased 43% in the fourth quarter of FY 2017/2018.

#### **Application Volumes**

<b>Application Type</b>	<b>4<sup>th</sup> Quarter 4/1/2018 – 6/30/2018</b>	<b>3<sup>rd</sup> Quarter 1/1/18 – 3/31/18</b>	<b>Difference</b>
AMFT Registration	917	610	50%
LMFT Examination	901	858	8%
ASW Registration	1231	401	207%
LCSW Examination	589	598	-2%
LEP Examination	16	32	-50%
APCC Registration	285	244	17%
LPCC Examination	71	66	8%
<b>Total Applications</b>	<b>4010</b>	<b>2809</b>	<b>43%</b>

During the fourth quarter the Board's processing times decreased.

#### **Days to Process Applications**

<b>License Type</b>	<b>4<sup>th</sup> Quarter 4/1/2018 – 6/30/2018</b>	<b>3<sup>rd</sup> Quarter 1/1/18 – 3/31/18</b>	<b>Difference</b>
AMFT Registration	12 days	17 days	-5 day
LMFT Examination	30 days	47 days	-17 days
ASW Registration	11 days	14 days	-3 day
LCSW Examination	40 days	47 days	-7 days
LEP Examination	10 days	12 days	-2 days
LPCC Registration	10 days	17 days	-7 days
LPCC Examination	10 days	17 days	-7 days

A total of 1,642 initial licenses were issued in the fourth quarter. As of September 3, 2018 the Board has 114,369 licensees and registrants. This figure includes all licenses that have been issued that are current and/or eligible to renew.

<b>LICENSE POPULATION (As of 09/03/2018)</b>				
<b>License Type</b>	<b>Active</b>	<b>Current In-Active</b>	<b>Delinquent</b>	<b>Total Population</b>
<b>Registrants</b>				
AMFT	12,973	N/A	4360	17,603
ASW	11,958	N/A	4,466	16,424
APCC	2,484	N/A	1,212	3,696
<b>Total Registrant</b>	<b>27,415</b>	<b>N/A</b>	<b>10,038</b>	<b>37,723</b>
<b>Licensees</b>				
LMFT	37,359	4,515	2,873	44,747
LCSW	23,863	2,608	1,610	28,081
LEP	1,328	443	277	2,048
LPCC	1,568	126	76	1,770
<b>Total Licensee</b>	<b>64,118</b>	<b>7,692</b>	<b>4,836</b>	<b>76,646</b>
<b>Total Population</b>	<b>91,533</b>	<b>7,692</b>	<b>14,874</b>	<b>114,369</b>

### **Examination Program**

Attached for your review are the examination statistics by school. A total 8,153 examinations were administered in the fourth quarter.

	<b>4<sup>th</sup> Qtr</b>				<b>3<sup>rd</sup> Qtr</b>			
	<b>04/01/2018 – 06/30/2018</b>				<b>01/01/2018-03/31/2018</b>			
	<b>Total Exams</b>	<b>Pass %</b>	<b>First time</b>	<b>Pass %</b>	<b>Total Exams</b>	<b>Pass %</b>	<b>First time</b>	<b>Pass %</b>
<b>LMFT L/E*</b>	1,342	78%	835	81%	1341	76%	793	80%
<b>LMFT Clinical*</b>	1,244	65%	822	72%	1295	69%	842	75%
<b>LCSW L/E*</b>	1,379	84%	993	88%	962	74%	610	77%
<b>LCSW ASWB</b>	850	65%	644	75%	648	65%	499	76%
<b>LPCC L/E*</b>	254	59%	191	65%	235	60%	174	61%
<b>LPCC NCMHCE</b>	46	70%	31	71%	58	69%	48	71%
<b>LEP*</b>	45	67%	31	77%	34	24%	20	25%

*^Total includes paper/pencil exams      \*Board developed examination*

Seven examination development workshops were conducted from April 1, 2018 to June 30, 2018.

**Administration Program**

The Board received 9,507 applications in the fourth quarter, a 11% increase since last quarter. This figure does not include renewal applications. The chart below reflects the total renewal activity for the fourth quarter.

<b>RENEWAL ACTIVITY</b>		
	<b>Number of Renewals</b>	<b>Percentage</b>
DCA Processed	5,800	41%
BBS Processed	471	3%
Online Renewal	8,000	56%
Total	14,271	

**Enforcement Program**

During the fourth quarter, the Enforcement staff received 433 consumer complaints and 309 criminal convictions. A total of 730 cases were closed and 44 cases were referred to the Attorney General’s office for formal discipline. 47 Accusations and 19 Statement of Issues were filed this quarter. The number of final citations for the fourth quarter was 107.

The average number of days to complete Formal Discipline in the fourth quarter was 562 days. The year to date average is 704 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 348. The year to date average is 460 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 fourth quarter was 75 days. The year to date average is 118 days.

### **Continuing Education Audits**

Below are the results for the January – August 20, 2018 audit. The Board has audited a total of 394 licensees.

#### **January – August 20, 1018 Audit Results**

<b>License</b>	<b>Pass</b>	<b>Fail</b>	<b>Pending</b>	<b>% Pass</b>	<b>% Fail</b>	<b>% Pending</b>
LMFT	228	106	17	65%	30%	5%
LCSW	147	54	13	69%	25%	6%
LEP	8	7	0	53%	47%	0
LPCC	11	5	0	69%	31%	0
<b>TOTAL</b>	<b>394</b>	<b>172</b>	<b>30</b>	<b>66%</b>	<b>29%</b>	<b>5%</b>

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

- Failure to complete the required 6-hr Law and Ethics coursework within the renewal period
- 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**

The Board's Outreach Activity subsided over the summer months. Board staff either physically attended the following events or participated via a phone conference.

June 8, 2018            Greater Los Angeles Area MFT Consortium  
June 11, 2018        Central Coast MFT Consortium  
August 16, 2018     Inland Empire MFT Consortium

### **Board Move Update**

To date, the approval of the suite plans is pending. The delay is likely due to the recent fires in California. Board staff continues to move forward with preparations for the new suite and move.

### **Fee Audit**

Cooperative Personnel Services HR Consulting (CPS HR) will conduct the Board's fee audit. The cost for the audit will not exceed \$43,400. The purpose of the audit is to determine if the current fees are sufficient to support current and future Board operations. A review of the Board's current fund condition projects that in fiscal year 2020/2021 the Board will have a 3.3-month deficit, which will increase each fiscal year absent any adjustments.

CPS HR and Board management met on August 27, 2018 to discuss the project and identify documentation and data necessary to conduct the audit. CPS HR estimates that a final report will be completed in February 2019. A copy of the project work plan and schedule is attached for your information.

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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	108	112	67	167	97	127	94	108	95	1351
Closed	183	129	97	162	163	147	118	96	130	231	115	125	1696

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	2296	1874	1662	2269	1764	1901	1916	2270	1538	24129
Closed	2679	2336	2338	2187	2109	1866	2366	1690	2045	2027	1854	1919	25416

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	2360	2104	1768	2211	1850	2054	2225	2647	3128	27675
Online Cert Reorder	137	177	136	173	121	116	171	149	177	178	160	175	1870
Address Changes	713	881	715	711	610	602	916	760	895	816	824	892	9335
<b>TOTAL</b>	<b>3337</b>	<b>3587</b>	<b>3163</b>	<b>3244</b>	<b>2835</b>	<b>2486</b>	<b>3298</b>	<b>2759</b>	<b>3126</b>	<b>3219</b>	<b>3631</b>	<b>4195</b>	<b>38880</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		2832	3102	2902	2663	2080	3180	2763	2654	2934	3057	3516	31683
Closed		2755	2854	3513	2794	2665	3549	2299	3469	3176	3062	3349	33485

*\*\*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	253	235	225	308	252	312	284	277	242	<b>3302</b>
Approved	309	366	225	365	178	287	226	180	455	260	317	278	<b>3446</b>
<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	222	186	176	278	277	313	377	341	296	<b>3255</b>
Approved	276	302	245	261	160	206	199	179	434	311	382	382	<b>3337</b>
<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	79	46	48	79	66	65	76	87	75	<b>816</b>
Approved	79	80	59	105	55	52	40	49	97	65	80	80	<b>841</b>

<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	554	467	449	665	595	690	737	705	613	<b>7373</b>
Approved	664	748	529	731	393	545	465	408	986	636	779	740	<b>7624</b>



<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	225	222	218	261	287	310	286	311	304	<b>3176</b>
Approved	207	303	222	237	290	302	285	261	287	371	311	278	<b>3354</b>
Process Time	43	49	57	59	56	45	41	38	34	35	30	24	<b>43</b>
<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	184	191	162	202	216	180	217	171	201	<b>2228</b>
Approved	172	205	184	181	155	153	162	178	236	239	281	228	<b>2374</b>
Process Time	42	42	41	42	47	51	51	56	52	44	41	36	<b>45</b>
<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	18	20	11	22	26	18	33	20	18	<b>229</b>
Approved	15	32	12	19	11	22	18	10	33	13	41	22	<b>248</b>
Process Time	22	19	22	22	16	14	9	18	11	10	10	9	<b>15</b>
<b>LEP Examination Eligibility 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	14	9	10	12	11	5	13	10	9	10	6	12	<b>121</b>
Approved	15	15	9	13	6	6	6	7	8	2	0	1	<b>88</b>
Process Time	10	10	16	13	11	11	10	11	13	9	11	9	<b>11</b>

<b>TOTAL 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	497	379	456	439	444	396	498	539	517	546	508	535	<b>5754</b>
Approved	409	555	427	450	462	483	471	456	564	625	633	529	<b>6064</b>
Avg. Process Time	29	30	34	34	33	30	28	31	28	25	23	20	<b>29</b>

<b>AMFT Registration 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	450	377	318	277	190	143	239	217	145	208	263	446	<b>3273</b>
Approved	333	404	320	287	315	176	181	206	245	202	261	286	<b>3216</b>
Process Time	14	17	20	20	20	15	14	15	18	10	13	12	<b>16</b>
<b>ASW Registration 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	534	374	273	192	128	106	179	138	114	159	359	713	<b>3269</b>
Approved	689	557	243	252	156	181	117	142	186	155	183	464	<b>3325</b>
Process Time	15	15	11	19	15	12	8	14	14	10	11	11	<b>13</b>
<b>APCC Registration 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	164	119	92	78	57	40	85	88	71	71	72	142	<b>1079</b>
Approved	71	162	143	83	99	46	55	62	79	63	59	101	<b>1023</b>
Process Time	24	34	29	24	25	14	17	15	17	13	12	10	<b>20</b>

<b>TOTAL Registration 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	1148	870	683	547	375	289	503	443	330	438	694	1301	<b>6320</b>
Approved	1093	1123	706	622	570	403	353	410	510	420	503	851	<b>6713</b>
Avg. Process Time	18	22	20	21	20	14	13	15	16	11	12	11	<b>16</b>

## 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	460	381	386	291	303	368	384	408	587	5339
LMFT L&E	676	660	538	495	442	412	445	413	491	442	417	482	5913
LPCC L&E	96	94	88	93	85	79	77	76	82	84	71	99	1024
<b>TOTAL L &amp; E</b>	<b>1431</b>	<b>1360</b>	<b>1132</b>	<b>1048</b>	<b>908</b>	<b>877</b>	<b>813</b>	<b>792</b>	<b>941</b>	<b>910</b>	<b>896</b>	<b>1168</b>	<b>12276</b>
ASWB Clinical	236	292	305	278	292	349	169	195	284	262	281	303	3246
LMFT Clinical	503	385	385	384	446	394	298	424	579	351	422	470	5041
LPCC NCMHCE	15	13	21	15	24	16	15	19	24	21	25	25	233
LEP	20	12	13	12	13	4	10	7	17	12	10	23	153
<b>Total Exams Administered</b>	<b>2205</b>	<b>2062</b>	<b>1856</b>	<b>1737</b>	<b>1683</b>	<b>1640</b>	<b>1305</b>	<b>1437</b>	<b>1845</b>	<b>2466</b>	<b>2530</b>	<b>3157</b>	<b>23923</b>
Examination Workshops	3	4	5	3	3	2	4	4	3	2	3	2	38

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	353	200	272	22	379	414	378	268	285	3233
LCSW	157	162	243	247	213	285	154	139	213	213	214	212	2452
LEP	5	6	6	10	2	7	2	6	1	6	10	1	62
LPCC	10	16	19	15	25	20	12	14	19	18	17	20	205
<b>TOTAL</b>	<b>401</b>	<b>403</b>	<b>482</b>	<b>625</b>	<b>440</b>	<b>584</b>	<b>190</b>	<b>538</b>	<b>647</b>	<b>615</b>	<b>509</b>	<b>518</b>	<b>5952</b>

## ENFORCEMENT

The Board's Enforcement Unit investigates consumer complaints and reviews prior and subsequent arrest reports for registrants and licensees. 1

<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	124	81	76	136	106	116	123	189	121	<b>1375</b>
Closed without Assignment for Investigation	25	34	36	21	29	33	20	48	42	40	40	43	<b>411</b>
Assigned for Investigation	68	70	90	91	67	60	88	76	97	66	126	101	<b>1000</b>
Average Days to Close or Assigned for Investigation	11	5	6	5	12	8	9	10	5	9	8	11	<b>8</b>
Intake Pending	19	27	14	34	22	13	46	27	7	31	45	42	<b>327</b>

<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	121	101	83	72	69	109	93	92	124	<b>1169</b>
Closed / Assigned for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Assigned for Investigation	123	104	87	121	96	88	77	74	113	99	93	126	<b>1201</b>
Average Days to Close	1	2	4	2	2	2	2	2	2	3	2	2	<b>2</b>
Intake Pending	1	4	2	4	1	1	3	2	7	4	4	2	<b>35</b>

**Complaint Intake \***      Complaints Received by the Program

**INVESTIGATIONS\*\***

<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	219	182	158	177	158	217	176	236	237	<b>2366</b>
Closed	214	201	242	174	183	123	229	139	208	163	266	276	<b>2418</b>
Average Days to Close	72	85	64	57	80	78	74	77	69	66	59	46	<b>69</b>
Pending	359	369	321	355	350	389	334	353	371	371	337	306	
<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	7	5	7	6	6	10	5	7	6	<b>76</b>
Closed	3	2	6	9	3	0	5	2	12	2	11	12	<b>67</b>
Average Days to Close	78	124	82	126	104	0	84	239	84	4	158	116	<b>100</b>
Pending	21	24	21	19	20	28	29	33	31	32	28	23	
<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	0	1	0	0	0	0	1	0	1	<b>7</b>
Closed	2	2	0	0	0	1	5	1	0	0	0	0	<b>11</b>
Average Days to Close	566	352	0	0	0	194	259	164	0	0	0	160	<b>141</b>
Pending	8	7	9	9	10	9	4	3	3	4	4	5	
<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	226	187	165	183	164	227	181	243	243	<b>2442</b>
Closed	217	203	248	183	186	123	234	141	220	165	277	288	<b>2485</b>
Average Days to Close	239	187	73	92	92	136	139	160	77	35	109	81	<b>118</b>
Pending	380	393	342	374	370	417	363	386	402	403	365	329	

**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	28	19	20	19	19	13	15	9	20	<b>219</b>
AG Cases Pending	176	184	192	197	212	213	220	224	236	229	211	205	
SOIs Filed	1	2	5	5	3	1	8	2	10	7	8	4	<b>56</b>
Accusations Filed	2	8	7	14	8	6	23	13	24	20	12	15	<b>152</b>
Proposed/Default Decisions Adopted	6	3	3	3	2	3	4	3	2	6	2	5	<b>42</b>
Stipulations Adopted	10	17	4	7	6	3	3	8	2	8	6	10	<b>84</b>
<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>	<b>YTD</b>
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	18	26	12	19	17	8	10	18	8	20	12	24	<b>192</b>
<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	665	591	825	845	595	805	571	585	529	<b>704</b>
Post AG Transmittal	534	414	393	476	364	528	594	364	476	356	351	336	<b>460</b>

<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>	<b>YTD</b>
Final Citations	20	23	35	31	1	2	43	2	21	14	25	68	<b>285</b>
Average Days to Complete****	48	63	27	27	276	294	30	152	51	60	45	23	<b>107</b>

**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.

**Board of Behavioral Sciences**  
**EXAM RESULTS BY SCHOOL**  
**EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018**

LICENSE TYPE: LCSW

**EXAM: LCSW Clinical Exam (ASWB)**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Azusa Pacific University, Azusa	103	10	6	60%	4	40%	8	6	75%	2	25%
California State University, Bakersfield	002	22	12	55%	10	45%	15	9	60%	6	40%
California State University, Chico	003	17	8	47%	9	53%	13	8	62%	5	38%
California State University, Dominguez Hills	004	7	4	57%	3	43%	5	4	80%	1	20%
California State University, Fresno	005	17	7	41%	10	59%	7	4	57%	3	43%
California State University, Fullerton	006	7	6	86%	1	14%	7	6	86%	1	14%
California State University, Hayward	007	16	11	69%	5	31%	12	10	83%	2	17%
California State University, Long Beach	008	70	37	53%	33	47%	48	34	71%	14	29%
California State University, Los Angeles	009	16	7	44%	9	56%	11	5	45%	6	55%
California State University, Northridge	010	30	26	87%	4	13%	26	24	92%	2	8%
California State University, Sacramento	011	35	21	60%	14	40%	23	15	65%	8	35%
California State University, San Bernardino	012	15	9	60%	6	40%	12	8	67%	4	33%
California State University, Stanislaus	013	18	10	56%	8	44%	11	8	73%	3	27%
Humboldt State University, Arcata	014	1	1	100%	0	0%	1	1	100%	0	0%
Loma Linda University, Orinda	125	14	8	57%	6	43%	11	8	73%	3	27%
Monterey Bay State University	018	1	1	100%	0	0%	0	0		0	
OUT-OF-COUNTRY	400	9	4	44%	5	56%	5	3	60%	2	40%
Out-of-State	300	91	65	71%	26	29%	78	63	81%	15	19%
San Diego State University	015	29	23	79%	6	21%	22	20	91%	2	9%
San Francisco State	016	7	5	71%	2	29%	6	4	67%	2	33%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
University											
San Jose State University	017	29	17	59%	12	41%	23	14	61%	9	39%
UC, Berkeley	050	22	22	100%	0	0%	22	22	100%	0	0%
UC, Los Angeles	052	18	15	83%	3	17%	17	15	88%	2	12%
University of Southern California, Los Angeles	145	149	100	67%	49	33%	118	88	75%	30	25%

<b>LCSW Clinical Exam (ASWB) TOTAL:</b>	<b>650</b>	<b>425</b>	<b>65%</b>	<b>225</b>	<b>35%</b>	<b>501</b>	<b>379</b>	<b>76%</b>	<b>122</b>	<b>24%</b>
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### EXAM: LCSW Law and Ethics

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Azusa Pacific University, Azusa	103	17	14	82%	3	18%	13	11	85%	2	15%
California State University, Bakersfield	002	21	13	62%	8	38%	9	7	78%	2	22%
California State University, Chico	003	16	9	56%	7	44%	6	5	83%	1	17%
California State University, Dominguez Hills	004	14	10	71%	4	29%	5	2	40%	3	60%
California State University, Fresno	005	25	16	64%	9	36%	13	8	62%	5	38%
California State University, Fullerton	006	11	10	91%	1	9%	6	5	83%	1	17%
California State University, Hayward	007	45	27	60%	18	40%	21	13	62%	8	38%
California State University, Long Beach	008	73	54	74%	19	26%	45	33	73%	12	27%
California State University, Los Angeles	009	32	23	72%	9	28%	23	19	83%	4	17%
California State University, Northridge	010	32	26	81%	6	19%	18	15	83%	3	17%
California State University, Sacramento	011	59	40	68%	19	32%	36	25	69%	11	31%
California State University, San Bernardino	012	30	25	83%	5	17%	23	19	83%	4	17%
California State University, Stanislaus	013	26	21	81%	5	19%	12	10	83%	2	17%



# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

**EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Humboldt State University, Arcata	014	9	6	67%	3	33%	7	5	71%	2	29%
Loma Linda University, Orinda	125	15	13	87%	2	13%	12	11	92%	1	8%
Monterey Bay State University	018	5	3	60%	2	40%	4	2	50%	2	50%
OUT-OF-COUNTRY	400	13	5	38%	8	62%	7	3	43%	4	57%
Out-of-State	300	191	150	79%	41	21%	131	110	84%	21	16%
San Diego State University	015	39	33	85%	6	15%	31	27	87%	4	13%
San Francisco State University	016	16	7	44%	9	56%	9	4	44%	5	56%
San Jose State University	017	41	33	80%	8	20%	28	24	86%	4	14%
San Marcos University	019	2	2	100%	0	0%	2	2	100%	0	0%
UC, Berkeley	050	10	6	60%	4	40%	7	3	43%	4	57%
UC, Los Angeles	052	12	10	83%	2	17%	11	10	91%	1	9%
University of Southern California, Los Angeles	145	209	154	74%	55	26%	132	98	74%	34	26%

**LCSW Law and Ethics TOTAL: 963 710 74% 253 26% 611 471 77% 140 23%**

**LICENSE TYPE: LEP**

**EXAM: LEP Standard Written Exam**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	3	0	0%	3	100%	2	0	0%	2	100%
Azusa Pacific University, Azusa	103	3	0	0%	3	100%	3	0	0%	3	100%
California Baptist University, Riverside	105	1	0	0%	1	100%	1	0	0%	1	100%
California State University, Dominguez Hills	004	3	0	0%	3	100%	1	0	0%	1	100%
California State University, Hayward	007	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Long Beach	008	1	1	100%	0	0%	1	1	100%	0	0%
California State University,	009	1	0	0%	1	100%	1	0	0%	1	100%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Los Angeles											
Chapman University, Orange	113	3	0	0%	3	100%	2	0	0%	2	100%
Fresno Pacific University	153	2	1	50%	1	50%	2	1	50%	1	50%
Loyola Marymount University, Los Angeles	126	1	0	0%	1	100%	0	0		0	
National University	129	6	2	33%	4	67%	2	1	50%	1	50%
OUT-OF-COUNTRY	400	1	0	0%	1	100%	0	0		0	
Out-of-State	300	3	1	33%	2	67%	3	1	33%	2	67%
San Diego State University	015	1	0	0%	1	100%	1	0	0%	1	100%
UC, Santa Barbara	056	1	1	100%	0	0%	0	0		0	
University of La Verne, La Verne	140	2	1	50%	1	50%	0	0		0	
University of the Pacific, Stockton	146	1	0	0%	1	100%	0	0		0	

<b>LEP Standard Written Exam TOTAL:</b>	<b>34</b>	<b>8</b>	<b>24%</b>	<b>26</b>	<b>76%</b>	<b>20</b>	<b>5</b>	<b>25%</b>	<b>15</b>	<b>75%</b>
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**LICENSE TYPE: LMFT**

**EXAM: LMFT Clinical Exam**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka US International)	139	45	36	80%	9	20%	33	30	91%	3	9%
American Behavioral Studies Institute	235	1	0	0%	1	100%	0	0		0	
Antioch University, Los Angeles	241	65	46	71%	19	29%	44	32	73%	12	27%
Antioch University, Santa Barbara	243	13	8	62%	5	38%	6	4	67%	2	33%
Argosy University (aka American School of Prof. Psych.)	204	68	41	60%	27	40%	41	27	66%	14	34%
Azusa Pacific University, Azusa	103	27	20	74%	7	26%	17	15	88%	2	12%
Bethany College	157	2	2	100%	0	0%	1	1	100%	0	0%
Bethel Theological Seminary	152	4	1	25%	3	75%	3	1	33%	2	67%
Brandman University	253	33	18	55%	15	45%	19	10	53%	9	47%
Calif. Polytechnic State University, San Luis Obispo - Cal Poly	001	3	2	67%	1	33%	2	2	100%	0	0%

**Board of Behavioral Sciences**  
**EXAM RESULTS BY SCHOOL**  
**EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
California Baptist University, Riverside	105	31	14	45%	17	55%	18	7	39%	11	61%
California Graduate Institute, Los Angeles	203	6	3	50%	3	50%	2	1	50%	1	50%
California Institute of Integral Studies, S.F.	107	51	45	88%	6	12%	41	38	93%	3	7%
California Lutheran University, Thousand Oaks	108	11	8	73%	3	27%	5	4	80%	1	20%
California Southern University	246	5	3	60%	2	40%	2	1	50%	1	50%
California State Polytechnic University, Pomona	019	2	1	50%	1	50%	2	1	50%	1	50%
California State University, Bakersfield	002	2	0	0%	2	100%	1	0	0%	1	100%
California State University, Chico	003	7	5	71%	2	29%	4	3	75%	1	25%
California State University, Dominguez Hills	004	11	6	55%	5	45%	5	4	80%	1	20%
California State University, Fresno	005	20	14	70%	6	30%	16	12	75%	4	25%
California State University, Fullerton	006	30	23	77%	7	23%	20	17	85%	3	15%
California State University, Hayward	007	17	10	59%	7	41%	14	10	71%	4	29%
California State University, Long Beach	008	8	5	62%	3	38%	6	4	67%	2	33%
California State University, Los Angeles	009	6	5	83%	1	17%	4	3	75%	1	25%
California State University, Northridge	010	29	23	79%	6	21%	20	17	85%	3	15%
California State University, Sacramento	011	12	9	75%	3	25%	7	6	86%	1	14%
California State University, San Bernardino	012	2	2	100%	0	0%	2	2	100%	0	0%
California State University, Stanislaus	013	4	4	100%	0	0%	4	4	100%	0	0%
Capella University	260	1	0	0%	1	100%	0	0		0	
Chapman University, Orange	113	19	10	53%	9	47%	10	6	60%	4	40%
Dominican University of California	117	6	4	67%	2	33%	4	4	100%	0	0%
Fresno Pacific Biblical Seminary, Fresno	127	3	2	67%	1	33%	2	1	50%	1	50%
Fuller Theological Seminary,	119	6	5	83%	1	17%	5	5	100%	0	0%

**Board of Behavioral Sciences**  
**EXAM RESULTS BY SCHOOL**  
**EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Pasadena											
Golden Gate University	151	4	2	50%	2	50%	2	1	50%	1	50%
HIS University	247	2	1	50%	1	50%	2	1	50%	1	50%
Holy Names University, Oakland	122	5	2	40%	3	60%	4	2	50%	2	50%
Hope International University	131	19	11	58%	8	42%	11	7	64%	4	36%
Humboldt State University, Arcata	014	2	1	50%	1	50%	2	1	50%	1	50%
Immaculate Heart College, Los Angeles	123	1	1	100%	0	0%	1	1	100%	0	0%
John F. Kennedy University, Orinda	124	57	43	75%	14	25%	34	28	82%	6	18%
Loma Linda University, Orinda	125	12	7	58%	5	42%	9	7	78%	2	22%
Loyola Marymount University, Los Angeles	126	6	5	83%	1	17%	4	4	100%	0	0%
Mount St. Mary's College, Los Angeles	128	10	5	50%	5	50%	5	2	40%	3	60%
National University	129	82	53	65%	29	35%	48	31	65%	17	35%
New College of California, San Francisco	130	2	1	50%	1	50%	0	0		0	
Northcentral University	256	1	1	100%	0	0%	0	0		0	
Notre Dame de Namur University	116	16	13	81%	3	19%	9	7	78%	2	22%
OUT-OF-COUNTRY	400	4	3	75%	1	25%	2	2	100%	0	0%
Out-of-State	300	39	34	87%	5	13%	27	25	93%	2	7%
Pacific Oaks College, Pasadena	133	20	11	55%	9	45%	14	8	57%	6	43%
Pacifica Graduate Institute, Carpinteria	154	21	15	71%	6	29%	16	14	88%	2	12%
Palo Alto University	258	7	4	57%	3	43%	7	4	57%	3	43%
Pepperdine University, Malibu	135	74	53	72%	21	28%	54	41	76%	13	24%
Phillips Graduate Institute	106	45	31	69%	14	31%	30	23	77%	7	23%
Ryokan College, Los Angeles	216	2	1	50%	1	50%	1	1	100%	0	0%
San Diego State University	015	5	4	80%	1	20%	2	2	100%	0	0%
San Diego University for Integrative Studies	244	1	1	100%	0	0%	0	0		0	
San Francisco State University	016	8	7	88%	1	12%	6	5	83%	1	17%
Santa Clara University	144	25	23	92%	2	8%	22	21	95%	1	5%
Saybrook University	137	3	3	100%	0	0%	2	2	100%	0	0%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Simpson University	254	12	11	92%	1	8%	9	8	89%	1	11%
Sofia University, San Jose	155	10	6	60%	4	40%	7	5	71%	2	29%
Sonoma State University	018	11	9	82%	2	18%	9	8	89%	1	11%
Southern California Seminary (aka Southern CA Bible College and Seminary)	237	2	1	50%	1	50%	2	1	50%	1	50%
St. Mary's College of CA, Moraga	136	9	8	89%	1	11%	6	6	100%	0	0%
The Chicago School of Professional Psychology at Los Angeles	251	14	7	50%	7	50%	11	7	64%	4	36%
University of La Verne, La Verne	140	16	12	75%	4	25%	14	12	86%	2	14%
University of Phoenix, Sacramento	238	6	2	33%	4	67%	2	1	50%	1	50%
University of Phoenix, San Diego	236	106	53	50%	53	50%	49	22	45%	27	55%
University of San Diego, San Diego	142	8	8	100%	0	0%	5	5	100%	0	0%
University of San Francisco, San Francisco	143	35	26	74%	9	26%	20	17	85%	3	15%
University of Southern California, Los Angeles	145	16	14	88%	2	12%	13	11	85%	2	15%
Vanguard University of Southern California	156	6	4	67%	2	33%	5	3	60%	2	40%
Webster University	248	3	2	67%	1	33%	0	0		0	
Western Seminary (Western Conservative Baptist Seminary)	232	7	7	100%	0	0%	5	5	100%	0	0%
World University of America	226	1	0	0%	1	100%	0	0		0	
Wright Institute, Berkeley	150	11	11	100%	0	0%	11	11	100%	0	0%

**LMFT Clinical Exam TOTAL: 1,296 892 69% 404 31% 842 634 75% 208 25%**

### EXAM: LMFT Law and Ethics

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	2	2	100%	0	0%	1	1	100%	0	0%
Alliant International University (aka US International)	139	30	23	77%	7	23%	23	17	74%	6	26%
Antioch University, Los Angeles	241	59	52	88%	7	12%	39	37	95%	2	5%
Antioch University, Santa Barbara	243	27	19	70%	8	30%	19	14	74%	5	26%

**Board of Behavioral Sciences**  
**EXAM RESULTS BY SCHOOL**  
**EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Argosy University (aka American School of Prof. Psych.	204	69	47	68%	22	32%	27	18	67%	9	33%
Azusa Pacific University, Azusa	103	27	19	70%	8	30%	21	16	76%	5	24%
Bethel Theological Seminary	152	4	3	75%	1	25%	4	3	75%	1	25%
Brandman University	253	68	51	75%	17	25%	40	31	78%	9	22%
Calif. Polytechnic State University, San Luis Obispo - Cal Poly	001	1	1	100%	0	0%	1	1	100%	0	0%
California Baptist University, Riverside	105	41	32	78%	9	22%	22	17	77%	5	23%
California Institute of Integral Studies, S.F.	107	37	31	84%	6	16%	25	22	88%	3	12%
California Lutheran University, Thousand Oaks	108	8	7	88%	1	12%	8	7	88%	1	12%
California Southern University	246	5	4	80%	1	20%	3	3	100%	0	0%
California State Polytechnic University, Pomona	019	2	2	100%	0	0%	0	0		0	
California State University, Bakersfield	002	8	7	88%	1	12%	7	6	86%	1	14%
California State University, Chico	003	8	7	88%	1	12%	3	3	100%	0	0%
California State University, Dominguez Hills	004	21	15	71%	6	29%	10	8	80%	2	20%
California State University, Fresno	005	17	14	82%	3	18%	9	8	89%	1	11%
California State University, Fullerton	006	28	26	93%	2	7%	17	16	94%	1	6%
California State University, Hayward	007	8	5	62%	3	38%	5	4	80%	1	20%
California State University, Long Beach	008	17	14	82%	3	18%	11	10	91%	1	9%
California State University, Los Angeles	009	9	3	33%	6	67%	5	2	40%	3	60%
California State University, Northridge	010	35	26	74%	9	26%	22	19	86%	3	14%
California State University, Sacramento	011	11	8	73%	3	27%	4	3	75%	1	25%
California State University, San Bernardino	012	2	1	50%	1	50%	1	0	0%	1	100%
California State University, Stanislaus	013	4	3	75%	1	25%	3	3	100%	0	0%
Changed to school code 154	225	1	1	100%	0	0%	1	1	100%	0	0%

**Board of Behavioral Sciences**  
**EXAM RESULTS BY SCHOOL**  
**EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
(Pacifica Graduate Institute is accredited)											
Chapman University, Orange	113	15	13	87%	2	13%	9	9	100%	0	0%
Dominican University of California	117	3	3	100%	0	0%	3	3	100%	0	0%
Eisner Institute for Professional Studies	250	1	1	100%	0	0%	1	1	100%	0	0%
Fuller Theological Seminary, Pasadena	119	4	4	100%	0	0%	3	3	100%	0	0%
Golden Gate University	151	5	5	100%	0	0%	3	3	100%	0	0%
Holy Names University, Oakland	122	11	8	73%	3	27%	6	4	67%	2	33%
Hope International University	131	21	13	62%	8	38%	12	8	67%	4	33%
Humboldt State University, Arcata	014	4	3	75%	1	25%	1	0	0%	1	100%
International College, Los Angeles	210	1	0	0%	1	100%	0	0		0	
John F. Kennedy University, Orinda	124	56	42	75%	14	25%	37	31	84%	6	16%
Loma Linda University, Orinda	125	6	6	100%	0	0%	4	4	100%	0	0%
Loyola Marymount University, Los Angeles	126	4	4	100%	0	0%	2	2	100%	0	0%
Meridian University	231	5	4	80%	1	20%	5	4	80%	1	20%
Mount St. Mary's College, Los Angeles	128	15	11	73%	4	27%	10	6	60%	4	40%
National University	129	86	50	58%	36	42%	46	27	59%	19	41%
New College of California, San Francisco	130	2	2	100%	0	0%	1	1	100%	0	0%
Northcentral University	256	3	2	67%	1	33%	2	1	50%	1	50%
Notre Dame de Namur University	116	16	12	75%	4	25%	7	6	86%	1	14%
Out-of-State	300	48	42	88%	6	12%	26	23	88%	3	12%
Pacific Oaks College, Pasadena	133	41	25	61%	16	39%	19	12	63%	7	37%
Pacific Union College, Angwin	134	1	1	100%	0	0%	1	1	100%	0	0%
Pacifica Graduate Institute, Carpenteria	154	24	21	88%	3	12%	14	12	86%	2	14%
Palo Alto University	258	20	19	95%	1	5%	18	18	100%	0	0%
Pepperdine University, Malibu	135	51	40	78%	11	22%	35	30	86%	5	14%
Phillips Graduate Institute	106	21	15	71%	6	29%	9	7	78%	2	22%
Remington College (Aka- Edu. Amercia Univ.)	239	1	0	0%	1	100%	1	0	0%	1	100%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Ryokan College, Los Angeles	216	2	1	50%	1	50%	0	0		0	
San Diego State University	015	8	7	88%	1	12%	5	5	100%	0	0%
San Francisco State University	016	4	2	50%	2	50%	2	1	50%	1	50%
San Jose State University	017	5	4	80%	1	20%	5	4	80%	1	20%
Santa Barbara Graduate Institute	245	1	1	100%	0	0%	0	0		0	
Santa Clara University	144	17	13	76%	4	24%	16	12	75%	4	25%
Simpson University	254	4	1	25%	3	75%	2	1	50%	1	50%
Sofia University, San Jose	155	3	3	100%	0	0%	2	2	100%	0	0%
Sonoma State University	018	12	11	92%	1	8%	9	9	100%	0	0%
Southern California Seminary (aka Southern CA Bible College and Seminary)	237	5	4	80%	1	20%	1	1	100%	0	0%
St. Mary's College of CA, Moraga	136	11	8	73%	3	27%	5	3	60%	2	40%
The Chicago School of Professional Psychology at Los Angeles	251	21	19	90%	2	10%	13	11	85%	2	15%
TOURO UNIVERSITY	262	6	5	83%	1	17%	3	3	100%	0	0%
University of La Verne, La Verne	140	16	13	81%	3	19%	7	6	86%	1	14%
University of Phoenix, Sacramento	238	2	1	50%	1	50%	0	0		0	
University of Phoenix, San Diego	236	164	113	69%	51	31%	82	56	68%	26	32%
University of San Diego, San Diego	142	7	7	100%	0	0%	6	6	100%	0	0%
University of San Francisco, San Francisco	143	24	20	83%	4	17%	15	15	100%	0	0%
University of Southern California, Los Angeles	145	10	10	100%	0	0%	8	8	100%	0	0%
University of the West	255	1	1	100%	0	0%	1	1	100%	0	0%
Vanguard University of Southern California	156	3	3	100%	0	0%	3	3	100%	0	0%
Western Seminary (Western Conservative Baptist Seminary)	232	7	7	100%	0	0%	5	5	100%	0	0%
Wright Institute, Berkeley	150	2	2	100%	0	0%	2	2	100%	0	0%

**LMFT Law and Ethics TOTAL: 1,349 1,025 76% 324 24% 798 640 80% 158 20%**

**LICENSE TYPE: LPCC**

**EXAM: LPCC Law and Ethics**



**Board of Behavioral Sciences**  
**EXAM RESULTS BY SCHOOL**  
**EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	2	1	50%	1	50%	0	0		0	
Alliant International University (aka US International)	139	1	1	100%	0	0%	1	1	100%	0	0%
Antioch University, Los Angeles	241	1	1	100%	0	0%	1	1	100%	0	0%
Argosy University (aka American School of Prof. Psych.	204	13	5	38%	8	62%	9	3	33%	6	67%
Azusa Pacific University, Azusa	103	8	4	50%	4	50%	4	2	50%	2	50%
Brandman University	253	13	7	54%	6	46%	10	7	70%	3	30%
California Baptist University, Riverside	105	6	2	33%	4	67%	5	2	40%	3	60%
California Institute of Integral Studies, S.F.	107	2	1	50%	1	50%	2	1	50%	1	50%
California Southern University	246	2	2	100%	0	0%	1	1	100%	0	0%
California State University, Fresno	005	6	6	100%	0	0%	5	5	100%	0	0%
California State University, Fullerton	006	4	2	50%	2	50%	4	2	50%	2	50%
California State University, Sacramento	011	3	3	100%	0	0%	3	3	100%	0	0%
California State University, San Bernardino	012	2	0	0%	2	100%	2	0	0%	2	100%
California State University, Stanislaus	013	7	2	29%	5	71%	5	1	20%	4	80%
Capella University	260	1	1	100%	0	0%	0	0		0	
Chapman University, Orange	113	1	1	100%	0	0%	1	1	100%	0	0%
Fuller Theological Seminary, Pasadena	119	1	1	100%	0	0%	1	1	100%	0	0%
GRAND CANYON UNIVERSITY	264	1	0	0%	1	100%	1	0	0%	1	100%
Holy Names University, Oakland	122	3	1	33%	2	67%	2	1	50%	1	50%
John F. Kennedy University, Orinda	124	7	6	86%	1	14%	5	4	80%	1	20%
Loma Linda University, Orinda	125	4	1	25%	3	75%	0	0		0	
Loyola Marymount University, Los Angeles	126	6	2	33%	4	67%	4	1	25%	3	75%
National University	129	5	2	40%	3	60%	3	2	67%	1	33%
Notre Dame de Namur University	116	3	2	67%	1	33%	3	2	67%	1	33%
Out-of-State	300	72	53	74%	19	26%	50	35	70%	15	30%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Pacifica Graduate Institute, Carpinteria	154	2	2	100%	0	0%	2	2	100%	0	0%
Palo Alto University	258	5	5	100%	0	0%	5	5	100%	0	0%
Pepperdine University, Malibu	135	14	9	64%	5	36%	14	9	64%	5	36%
San Diego State University	015	5	0	0%	5	100%	4	0	0%	4	100%
San Francisco State University	016	4	1	25%	3	75%	4	1	25%	3	75%
San Jose State University	017	2	0	0%	2	100%	0	0		0	
Sofia University, San Jose	155	1	1	100%	0	0%	1	1	100%	0	0%
Sonoma State University	018	1	1	100%	0	0%	1	1	100%	0	0%
St. Mary's College of CA, Moraga	136	2	1	50%	1	50%	2	1	50%	1	50%
University of La Verne, La Verne	140	4	2	50%	2	50%	3	2	67%	1	33%
University of Redlands	259	6	3	50%	3	50%	4	2	50%	2	50%
University of San Diego, San Diego	142	1	1	100%	0	0%	1	1	100%	0	0%
University of San Francisco, San Francisco	143	8	5	62%	3	38%	7	4	57%	3	43%
Vanguard University of Southern California	156	2	1	50%	1	50%	1	1	100%	0	0%
WALDEN UNIVERSITY	263	3	0	0%	3	100%	2	0	0%	2	100%
Western Seminary (Western Conservative Baptist Seminary)	232	1	1	100%	0	0%	1	1	100%	0	0%

**LPCC Law and Ethics TOTAL: 235 140 60% 95 40% 174 107 61% 67 39%**

### EXAM: NCMHCE Exam

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	2	2	100%	0	0%	1	1	100%	0	0%
Alliant International University (aka US International)	139	1	1	100%	0	0%	1	1	100%	0	0%
Argosy University (aka American School of Prof. Psych.)	204	2	0	0%	2	100%	1	0	0%	1	100%
Azusa Pacific University, Azusa	103	4	3	75%	1	25%	4	3	75%	1	25%
California State University, Fresno	005	1	0	0%	1	100%	1	0	0%	1	100%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Jan 1, 2018 THROUGH Mar 31, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
California State University, Fullerton	006	1	0	0%	1	100%	0	0		0	
California State University, Hayward	007	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Sacramento	011	1	0	0%	1	100%	1	0	0%	1	100%
California State University, San Bernardino	012	2	2	100%	0	0%	2	2	100%	0	0%
Chapman University, Orange	113	1	1	100%	0	0%	0	0		0	
John F. Kennedy University, Orinda	124	2	1	50%	1	50%	2	1	50%	1	50%
Loyola Marymount University, Los Angeles	126	2	1	50%	1	50%	1	0	0%	1	100%
National University	129	1	1	100%	0	0%	1	1	100%	0	0%
Notre Dame de Namur University	116	1	1	100%	0	0%	1	1	100%	0	0%
Out-of-State	300	22	18	82%	4	18%	18	16	89%	2	11%
Pepperdine University, Malibu	135	3	2	67%	1	33%	3	2	67%	1	33%
San Jose State University	017	3	1	33%	2	67%	3	1	33%	2	67%
Saybrook University	137	1	0	0%	1	100%	1	0	0%	1	100%
University of Redlands	259	3	2	67%	1	33%	2	1	50%	1	50%
University of San Diego, San Diego	142	3	2	67%	1	33%	3	2	67%	1	33%
University of San Francisco, San Francisco	143	1	1	100%	0	0%	1	1	100%	0	0%

<b>NCMHCE Exam TOTAL:</b>	<b>58</b>	<b>40</b>	<b>69%</b>	<b>18</b>	<b>31%</b>	<b>48</b>	<b>34</b>	<b>71%</b>	<b>14</b>	<b>29%</b>
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**Board of Behavioral Sciences**  
**EXAM RESULTS BY SCHOOL**  
**EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018**

LICENSE TYPE: LCSW

**EXAM: LCSW Clinical Exam (ASWB)**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Azusa Pacific University, Azusa	103	21	13	62%	8	38%	14	11	79%	3	21%
California State University, Bakersfield	002	21	11	52%	10	48%	12	9	75%	3	25%
California State University, Chico	003	13	9	69%	4	31%	9	7	78%	2	22%
California State University, Dominguez Hills	004	18	12	67%	6	33%	14	10	71%	4	29%
California State University, Fresno	005	25	13	52%	12	48%	15	10	67%	5	33%
California State University, Fullerton	006	14	13	93%	1	7%	14	13	93%	1	7%
California State University, Hayward	007	28	19	68%	9	32%	24	18	75%	6	25%
California State University, Long Beach	008	81	40	49%	41	51%	47	32	68%	15	32%
California State University, Los Angeles	009	44	21	48%	23	52%	35	20	57%	15	43%
California State University, Northridge	010	21	13	62%	8	38%	18	12	67%	6	33%
California State University, Sacramento	011	47	23	49%	24	51%	34	21	62%	13	38%
California State University, San Bernardino	012	26	17	65%	9	35%	21	15	71%	6	29%
California State University, Stanislaus	013	15	8	53%	7	47%	9	5	56%	4	44%
Humboldt State University, Arcata	014	2	2	100%	0	0%	2	2	100%	0	0%
Loma Linda University, Orinda	125	11	5	45%	6	55%	8	5	62%	3	38%
Monterey Bay State University	018	1	1	100%	0	0%	1	1	100%	0	0%
OUT-OF-COUNTRY	400	7	4	57%	3	43%	3	3	100%	0	0%
Out-of-State	300	125	98	78%	27	22%	101	88	87%	13	13%
San Diego State University	015	27	23	85%	4	15%	24	22	92%	2	8%
San Francisco State	016	18	6	33%	12	67%	8	3	38%	5	62%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
University											
San Jose State University	017	51	39	76%	12	24%	37	31	84%	6	16%
San Marcos University	019	1	1	100%	0	0%	1	1	100%	0	0%
UC, Berkeley	050	26	23	88%	3	12%	23	21	91%	2	9%
UC, Los Angeles	052	22	21	95%	1	5%	20	19	95%	1	5%
University of Southern California, Los Angeles	145	185	118	64%	67	36%	150	103	69%	47	31%

<b>LCSW Clinical Exam (ASWB) TOTAL:</b>	<b>850</b>	<b>553</b>	<b>65%</b>	<b>297</b>	<b>35%</b>	<b>644</b>	<b>482</b>	<b>75%</b>	<b>162</b>	<b>25%</b>
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### EXAM: LCSW Law and Ethics

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Azusa Pacific University, Azusa	103	35	26	74%	9	26%	28	23	82%	5	18%
California State University, Bakersfield	002	20	14	70%	6	30%	11	8	73%	3	27%
California State University, Chico	003	21	19	90%	2	10%	9	8	89%	1	11%
California State University, Dominguez Hills	004	41	30	73%	11	27%	28	23	82%	5	18%
California State University, Fresno	005	26	21	81%	5	19%	13	12	92%	1	8%
California State University, Fullerton	006	33	31	94%	2	6%	27	25	93%	2	7%
California State University, Hayward	007	50	33	66%	17	34%	24	20	83%	4	17%
California State University, Long Beach	008	91	74	81%	17	19%	63	53	84%	10	16%
California State University, Los Angeles	009	54	43	80%	11	20%	49	41	84%	8	16%
California State University, Northridge	010	52	48	92%	4	8%	41	38	93%	3	7%
California State University, Sacramento	011	59	51	86%	8	14%	39	34	87%	5	13%
California State University, San Bernardino	012	27	25	93%	2	7%	21	19	90%	2	10%
California State University,	013	25	23	92%	2	8%	17	16	94%	1	6%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Stanislaus											
Humboldt State University, Arcata	014	21	19	90%	2	10%	17	15	88%	2	12%
Loma Linda University, Orinda	125	13	11	85%	2	15%	11	10	91%	1	9%
Monterey Bay State University	018	9	8	89%	1	11%	9	8	89%	1	11%
OUT-OF-COUNTRY	400	14	5	36%	9	64%	5	1	20%	4	80%
Out-of-State	300	246	212	86%	34	14%	186	160	86%	26	14%
San Diego State University	015	28	28	100%	0	0%	25	25	100%	0	0%
San Francisco State University	016	30	22	73%	8	27%	14	11	79%	3	21%
San Jose State University	017	47	40	85%	7	15%	28	26	93%	2	7%
San Marcos University	019	11	11	100%	0	0%	11	11	100%	0	0%
UC, Berkeley	050	30	28	93%	2	7%	24	23	96%	1	4%
UC, Los Angeles	052	27	23	85%	4	15%	22	20	91%	2	9%
University of Southern California, Los Angeles	145	369	320	87%	49	13%	271	240	89%	31	11%

**LCSW Law and Ethics TOTAL: 1,379 1,165 84% 214 16% 993 870 88% 123 12%**

**LICENSE TYPE: LEP**

**EXAM: LEP Standard Written Exam**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	1	1	100%	0	0%	0	0		0	
Alliant International University (aka US International)	139	2	2	100%	0	0%	2	2	100%	0	0%
Azusa Pacific University, Azusa	103	8	4	50%	4	50%	5	4	80%	1	20%
California State University, Chico	003	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Dominguez Hills	004	1	0	0%	1	100%	0	0		0	
California State University, Hayward	007	2	2	100%	0	0%	2	2	100%	0	0%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
California State University, Long Beach	008	1	0	0%	1	100%	1	0	0%	1	100%
California State University, Northridge	010	2	1	50%	1	50%	2	1	50%	1	50%
Chapman University, Orange	113	3	3	100%	0	0%	3	3	100%	0	0%
La Sierra University	252	1	1	100%	0	0%	1	1	100%	0	0%
Loyola Marymount University, Los Angeles	126	3	2	67%	1	33%	1	1	100%	0	0%
National University	129	6	2	33%	4	67%	4	2	50%	2	50%
Out-of-State	300	7	6	86%	1	14%	5	4	80%	1	20%
Pepperdine University, Malibu	135	1	1	100%	0	0%	1	1	100%	0	0%
Phillips Graduate Institute	106	1	1	100%	0	0%	0	0		0	
San Francisco State University	016	2	0	0%	2	100%	1	0	0%	1	100%
UC, Berkeley	050	2	2	100%	0	0%	2	2	100%	0	0%
University of La Verne, La Verne	140	1	1	100%	0	0%	0	0		0	

**LEP Standard Written Exam TOTAL: 45 30 67% 15 33% 31 24 77% 7 23%**

**LICENSE TYPE: LMFT**

**EXAM: LMFT Clinical Exam**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka US International)	139	26	20	77%	6	23%	22	18	82%	4	18%
American Behavioral Studies Institute	235	1	1	100%	0	0%	0	0		0	
Antioch University, Los Angeles	241	57	37	65%	20	35%	41	30	73%	11	27%
Antioch University, Santa Barbara	243	16	12	75%	4	25%	7	4	57%	3	43%
Argosy University (aka American School of Prof. Psych.)	204	57	31	54%	26	46%	38	23	61%	15	39%
Azusa Pacific University, Azusa	103	20	15	75%	5	25%	14	11	79%	3	21%
Bethany College	157	2	1	50%	1	50%	1	1	100%	0	0%
Bethel Theological Seminary	152	6	4	67%	2	33%	4	3	75%	1	25%
Brandman University	253	39	26	67%	13	33%	23	16	70%	7	30%
Calif. Polytechnic State University,	001	5	4	80%	1	20%	5	4	80%	1	20%



# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
San Luis Obispo - Cal Poly											
California Baptist University, Riverside	105	51	28	55%	23	45%	35	21	60%	14	40%
California Graduate Institute, Los Angeles	203	4	3	75%	1	25%	0	0		0	
California Institute of Integral Studies, S.F.	107	37	32	86%	5	14%	33	29	88%	4	12%
California Lutheran University, Thousand Oaks	108	11	6	55%	5	45%	8	5	62%	3	38%
California Southern University	246	7	3	43%	4	57%	4	1	25%	3	75%
California State Polytechnic University, Pomona	019	5	3	60%	2	40%	4	2	50%	2	50%
California State University, Chico	003	9	7	78%	2	22%	6	5	83%	1	17%
California State University, Dominguez Hills	004	14	5	36%	9	64%	5	2	40%	3	60%
California State University, Fresno	005	18	9	50%	9	50%	11	5	45%	6	55%
California State University, Fullerton	006	34	28	82%	6	18%	23	20	87%	3	13%
California State University, Hayward	007	10	6	60%	4	40%	6	3	50%	3	50%
California State University, Long Beach	008	15	10	67%	5	33%	12	9	75%	3	25%
California State University, Los Angeles	009	8	4	50%	4	50%	4	3	75%	1	25%
California State University, Northridge	010	22	13	59%	9	41%	13	8	62%	5	38%
California State University, Sacramento	011	7	6	86%	1	14%	4	3	75%	1	25%
California State University, San Bernardino	012	2	2	100%	0	0%	1	1	100%	0	0%
California State University, Stanislaus	013	4	2	50%	2	50%	3	2	67%	1	33%
Chapman University, Orange	113	19	12	63%	7	37%	10	7	70%	3	30%
Dominican University of California	117	7	7	100%	0	0%	6	6	100%	0	0%
Fresno Pacific Biblical Seminary, Fresno	127	4	3	75%	1	25%	4	3	75%	1	25%
Fuller Theological Seminary, Pasadena	119	18	15	83%	3	17%	14	12	86%	2	14%
Golden Gate University	151	2	1	50%	1	50%	1	1	100%	0	0%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
HIS University	247	1	0	0%	1	100%	0	0		0	
Holy Names University, Oakland	122	5	4	80%	1	20%	3	3	100%	0	0%
Hope International University	131	14	8	57%	6	43%	8	7	88%	1	12%
Humboldt State University, Arcata	014	7	6	86%	1	14%	6	6	100%	0	0%
John F. Kennedy University, Orinda	124	63	40	63%	23	37%	41	28	68%	13	32%
Loma Linda University, Orinda	125	9	6	67%	3	33%	4	4	100%	0	0%
Loyola Marymount University, Los Angeles	126	12	10	83%	2	17%	10	8	80%	2	20%
Meridian University	231	1	1	100%	0	0%	1	1	100%	0	0%
Mount St. Mary's College, Los Angeles	128	13	9	69%	4	31%	9	7	78%	2	22%
National University	129	75	42	56%	33	44%	38	23	61%	15	39%
New College of California, San Francisco	130	4	2	50%	2	50%	3	2	67%	1	33%
Notre Dame de Namur University	116	24	15	62%	9	38%	20	14	70%	6	30%
OUT-OF-COUNTRY	400	5	2	40%	3	60%	3	2	67%	1	33%
Out-of-State	300	32	21	66%	11	34%	25	17	68%	8	32%
Pacific Oaks College, Pasadena	133	19	9	47%	10	53%	7	5	71%	2	29%
Pacifica Graduate Institute, Carpinteria	154	23	18	78%	5	22%	20	17	85%	3	15%
Palo Alto University	258	5	4	80%	1	20%	5	4	80%	1	20%
Pepperdine University, Malibu	135	54	41	76%	13	24%	39	33	85%	6	15%
Phillips Graduate Institute	106	42	24	57%	18	43%	28	18	64%	10	36%
Professional School of Psychology, Sacramento	214	1	1	100%	0	0%	0	0		0	
Ryokan College, Los Angeles	216	2	1	50%	1	50%	1	1	100%	0	0%
San Diego State University	015	12	8	67%	4	33%	7	6	86%	1	14%
San Diego University for Integrative Studies	244	1	1	100%	0	0%	1	1	100%	0	0%
San Francisco State University	016	10	6	60%	4	40%	7	4	57%	3	43%
San Jose State University	017	2	2	100%	0	0%	1	1	100%	0	0%
Santa Barbara Graduate Institute	245	4	4	100%	0	0%	1	1	100%	0	0%
Santa Clara University	144	12	9	75%	3	25%	10	8	80%	2	20%
Simpson University	254	11	10	91%	1	9%	10	9	90%	1	10%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Sofia University, San Jose	155	17	9	53%	8	47%	10	6	60%	4	40%
Sonoma State University	018	5	4	80%	1	20%	4	4	100%	0	0%
Southern California Seminary (aka Southern CA Bible College and Seminary)	237	5	3	60%	2	40%	3	1	33%	2	67%
St. Mary's College of CA, Moraga	136	6	4	67%	2	33%	3	1	33%	2	67%
The Chicago School of Professional Psychology at Los Angeles	251	15	7	47%	8	53%	9	5	56%	4	44%
Trinity College of Graduate Studies, Orange	201	1	0	0%	1	100%	1	0	0%	1	100%
University of La Verne, La Verne	140	8	6	75%	2	25%	6	4	67%	2	33%
University of Phoenix, Sacramento	238	7	1	14%	6	86%	2	1	50%	1	50%
University of Phoenix, San Diego	236	98	45	46%	53	54%	50	23	46%	27	54%
University of San Diego, San Diego	142	12	10	83%	2	17%	10	9	90%	1	10%
University of San Francisco, San Francisco	143	31	20	65%	11	35%	19	13	68%	6	32%
University of Santa Monica	240	1	0	0%	1	100%	1	0	0%	1	100%
University of Southern California, Los Angeles	145	12	12	100%	0	0%	11	11	100%	0	0%
University of the West	255	1	0	0%	1	100%	0	0		0	
Vanguard University of Southern California	156	7	7	100%	0	0%	7	7	100%	0	0%
Western Seminary (Western Conservative Baptist Seminary)	232	8	5	62%	3	38%	6	5	83%	1	17%
Wright Institute, Berkeley	150	10	10	100%	0	0%	10	10	100%	0	0%

**LMFT Clinical Exam TOTAL: 1,244 803 65% 441 35% 822 588 72% 234 28%**

### EXAM: LMFT Law and Ethics

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka US International)	139	24	18	75%	6	25%	17	14	82%	3	18%
Antioch University, Los Angeles	241	61	52	85%	9	15%	37	33	89%	4	11%
Antioch University, Santa Barbara	243	3	1	33%	2	67%	1	0	0%	1	100%
Argosy University (aka American	204	62	32	52%	30	48%	26	11	42%	15	58%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
School of Prof. Psych.											
Azusa Pacific University, Azusa	103	20	16	80%	4	20%	17	13	76%	4	24%
Bethany College	157	2	2	100%	0	0%	0	0		0	
Bethel Theological Seminary	152	3	3	100%	0	0%	3	3	100%	0	0%
Brandman University	253	51	36	71%	15	29%	25	18	72%	7	28%
Calif. Polytechnic State University, San Luis Obispo - Cal Poly	001	7	5	71%	2	29%	5	4	80%	1	20%
California Baptist University, Riverside	105	50	37	74%	13	26%	36	27	75%	9	25%
California Graduate Institute, Los Angeles	203	1	0	0%	1	100%	0	0		0	
California Institute of Integral Studies, S.F.	107	30	24	80%	6	20%	23	18	78%	5	22%
California Lutheran University, Thousand Oaks	108	9	8	89%	1	11%	6	6	100%	0	0%
California Southern University	246	2	2	100%	0	0%	2	2	100%	0	0%
California State University, Bakersfield	002	8	8	100%	0	0%	8	8	100%	0	0%
California State University, Chico	003	8	7	88%	1	12%	6	5	83%	1	17%
California State University, Dominguez Hills	004	16	11	69%	5	31%	10	10	100%	0	0%
California State University, Fresno	005	17	14	82%	3	18%	10	9	90%	1	10%
California State University, Fullerton	006	26	23	88%	3	12%	16	15	94%	1	6%
California State University, Hayward	007	11	10	91%	1	9%	8	7	88%	1	12%
California State University, Long Beach	008	5	5	100%	0	0%	5	5	100%	0	0%
California State University, Los Angeles	009	8	6	75%	2	25%	5	4	80%	1	20%
California State University, Northridge	010	23	16	70%	7	30%	14	9	64%	5	36%
California State University, Sacramento	011	11	10	91%	1	9%	8	7	88%	1	12%
California State University, San Bernardino	012	3	3	100%	0	0%	1	1	100%	0	0%
California State University, Stanislaus	013	4	4	100%	0	0%	2	2	100%	0	0%

**Board of Behavioral Sciences**  
**EXAM RESULTS BY SCHOOL**  
**EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018**

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Chapman University, Orange	113	15	13	87%	2	13%	10	8	80%	2	20%
Dominican University of California	117	10	10	100%	0	0%	8	8	100%	0	0%
Eisner Institute for Professional Studies	250	1	1	100%	0	0%	1	1	100%	0	0%
Fresno Pacific Biblical Seminary, Fresno	127	9	9	100%	0	0%	9	9	100%	0	0%
Fuller Theological Seminary, Pasadena	119	10	8	80%	2	20%	7	6	86%	1	14%
Golden Gate University	151	5	4	80%	1	20%	4	3	75%	1	25%
Holy Names University, Oakland	122	12	11	92%	1	8%	4	4	100%	0	0%
Hope International University	131	15	14	93%	1	7%	8	8	100%	0	0%
Humboldt State University, Arcata	014	7	7	100%	0	0%	4	4	100%	0	0%
John F. Kennedy University, Orinda	124	54	45	83%	9	17%	35	28	80%	7	20%
La Sierra University	252	1	1	100%	0	0%	1	1	100%	0	0%
Loma Linda University, Orinda	125	5	5	100%	0	0%	4	4	100%	0	0%
Loyola Marymount University, Los Angeles	126	14	11	79%	3	21%	11	9	82%	2	18%
Mount St. Mary's College, Los Angeles	128	10	8	80%	2	20%	6	5	83%	1	17%
National University	129	98	69	70%	29	30%	57	44	77%	13	23%
New College of California, San Francisco	130	5	1	20%	4	80%	1	0	0%	1	100%
Northcentral University	256	7	5	71%	2	29%	4	3	75%	1	25%
Notre Dame de Namur University	116	18	13	72%	5	28%	9	7	78%	2	22%
OUT-OF-COUNTRY	400	6	3	50%	3	50%	3	2	67%	1	33%
Out-of-State	300	41	35	85%	6	15%	21	20	95%	1	5%
Pacific Oaks College, Pasadena	133	39	26	67%	13	33%	18	12	67%	6	33%
Pacifica Graduate Institute, Carpenteria	154	24	24	100%	0	0%	19	19	100%	0	0%
Palo Alto University	258	15	15	100%	0	0%	13	13	100%	0	0%
Pepperdine University, Malibu	135	57	51	89%	6	11%	39	35	90%	4	10%
Phillips Graduate Institute	106	41	32	78%	9	22%	26	23	88%	3	12%
Ryokan College, Los Angeles	216	1	1	100%	0	0%	0	0		0	
San Diego State University	015	12	9	75%	3	25%	9	8	89%	1	11%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
San Diego University for Integrative Studies	244	1	1	100%	0	0%	1	1	100%	0	0%
San Francisco State University	016	16	16	100%	0	0%	11	11	100%	0	0%
San Jose State University	017	1	0	0%	1	100%	0	0		0	
Santa Clara University	144	21	21	100%	0	0%	20	20	100%	0	0%
Saybrook University	137	1	1	100%	0	0%	0	0		0	
Simpson University	254	3	2	67%	1	33%	3	2	67%	1	33%
Sofia University, San Jose	155	5	4	80%	1	20%	3	2	67%	1	33%
Sonoma State University	018	7	5	71%	2	29%	6	5	83%	1	17%
Southern California Seminary (aka Southern CA Bible College and Seminary)	237	8	5	62%	3	38%	4	2	50%	2	50%
St. Mary's College of CA, Moraga	136	11	11	100%	0	0%	7	7	100%	0	0%
The Chicago School of Professional Psychology at Los Angeles	251	19	15	79%	4	21%	10	7	70%	3	30%
TOURO UNIVERSITY	262	3	3	100%	0	0%	2	2	100%	0	0%
Trinity College of Graduate Studies, Orange	201	1	0	0%	1	100%	1	0	0%	1	100%
University of La Verne, La Verne	140	15	9	60%	6	40%	10	6	60%	4	40%
University of Phoenix, Sacramento	238	4	4	100%	0	0%	1	1	100%	0	0%
University of Phoenix, San Diego	236	144	95	66%	49	34%	63	33	52%	30	48%
University of San Diego, San Diego	142	4	3	75%	1	25%	4	3	75%	1	25%
University of San Francisco, San Francisco	143	29	26	90%	3	10%	21	19	90%	2	10%
University of Santa Monica	240	1	1	100%	0	0%	1	1	100%	0	0%
University of Southern California, Los Angeles	145	18	17	94%	1	6%	17	16	94%	1	6%
University of the West	255	2	0	0%	2	100%	2	0	0%	2	100%
Vanguard University of Southern California	156	5	4	80%	1	20%	4	3	75%	1	25%
Webster University	248	1	0	0%	1	100%	1	0	0%	1	100%
Western Institute for Social Research, Berkeley	220	2	2	100%	0	0%	0	0		0	
Western Seminary (Western Conservative Baptist Seminary)	232	6	5	83%	1	17%	5	4	80%	1	20%
Wright Institute, Berkeley	150	17	15	88%	2	12%	16	14	88%	2	12%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

LMFT Law and Ethics TOTAL: 1,342 1,049 78% 293 22% 835 674 81% 161 19%

LICENSE TYPE: LPCC

EXAM: LPCC Law and Ethics

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Antioch University, San Francisco	242	1	0	0%	1	100%	1	0	0%	1	100%
Argosy University (aka American School of Prof. Psych.	204	9	3	33%	6	67%	7	1	14%	6	86%
Azusa Pacific University,	20	2	2	100%	0	0%	1	1	100%	0	0%
Azusa Pacific University, Azusa	103	9	2	22%	7	78%	6	1	17%	5	83%
Brandman University	253	9	5	56%	4	44%	8	4	50%	4	50%
California Baptist University, Riverside	105	15	5	33%	10	67%	11	4	36%	7	64%
California Institute of Integral Studies, S.F.	107	4	2	50%	2	50%	4	2	50%	2	50%
California Southern University	246	3	2	67%	1	33%	1	1	100%	0	0%
California State University, Fresno	005	6	5	83%	1	17%	4	4	100%	0	0%
California State University, Fullerton	006	10	8	80%	2	20%	10	8	80%	2	20%
California State University, Los Angeles	009	1	0	0%	1	100%	1	0	0%	1	100%
California State University, Northridge	010	1	0	0%	1	100%	0	0		0	
California State University, Sacramento	011	9	6	67%	3	33%	8	5	62%	3	38%
California State University, San Bernardino	012	5	2	40%	3	60%	5	2	40%	3	60%
California State University, Stanislaus	013	1	1	100%	0	0%	0	0		0	
Capella University	260	2	0	0%	2	100%	1	0	0%	1	100%
Chapman University, Orange	113	1	1	100%	0	0%	1	1	100%	0	0%
GRAND CANYON UNIVERSITY	264	3	0	0%	3	100%	1	0	0%	1	100%
Holy Names University, Oakland	122	1	0	0%	1	100%	1	0	0%	1	100%
Hope International University	131	1	1	100%	0	0%	1	1	100%	0	0%
John F. Kennedy University, Orinda	124	5	5	100%	0	0%	4	4	100%	0	0%
Loma Linda University, Orinda	125	4	2	50%	2	50%	2	1	50%	1	50%

# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Loyola Marymount University, Los Angeles	126	3	1	33%	2	67%	1	1	100%	0	0%
National University	129	4	2	50%	2	50%	3	1	33%	2	67%
Notre Dame de Namur University	116	2	1	50%	1	50%	2	1	50%	1	50%
Out-of-State	300	68	44	65%	24	35%	48	35	73%	13	27%
Pacific Oaks College, Pasadena	133	2	1	50%	1	50%	2	1	50%	1	50%
Pacific Union College, Angwin	134	1	1	100%	0	0%	1	1	100%	0	0%
Pacifica Graduate Institute, Carpinteria	154	1	1	100%	0	0%	1	1	100%	0	0%
Palo Alto University	258	9	7	78%	2	22%	8	7	88%	1	12%
Pepperdine University, Malibu	135	10	10	100%	0	0%	10	10	100%	0	0%
Point Loma Nazarene University	261	1	0	0%	1	100%	0	0		0	
San Diego State University	015	3	2	67%	1	33%	2	1	50%	1	50%
San Francisco State University	016	4	1	25%	3	75%	2	1	50%	1	50%
San Jose State University	017	5	3	60%	2	40%	3	3	100%	0	0%
Santa Clara University	144	2	2	100%	0	0%	2	2	100%	0	0%
Sonoma State University	018	2	2	100%	0	0%	2	2	100%	0	0%
St. Mary's College of CA, Moraga	136	5	3	60%	2	40%	5	3	60%	2	40%
The Chicago School of Professional Psychology at Los Angeles	251	3	3	100%	0	0%	2	2	100%	0	0%
University of La Verne, La Verne	140	8	4	50%	4	50%	7	4	57%	3	43%
University of Redlands	259	4	2	50%	2	50%	0	0		0	
University of San Diego, San Diego	142	5	3	60%	2	40%	3	2	67%	1	33%
University of San Francisco, San Francisco	143	6	4	67%	2	33%	6	4	67%	2	33%
Vanguard University of Southern California	156	1	1	100%	0	0%	1	1	100%	0	0%
WALDEN UNIVERSITY	263	2	1	50%	1	50%	1	1	100%	0	0%
Wright Institute, Berkeley	150	1	0	0%	1	100%	1	0	0%	1	100%

**LPCC Law and Ethics TOTAL: 254 151 59% 103 41% 191 124 65% 67 35%**

**EXAM: NCMHCE Exam**



# Board of Behavioral Sciences

## EXAM RESULTS BY SCHOOL

EXAM DATES: Apr 1, 2018 THROUGH Jun 30, 2018

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	1	0	0%	1	100%	1	0	0%	1	100%
Argosy University (aka American School of Prof. Psych.	204	2	1	50%	1	50%	1	1	100%	0	0%
Azusa Pacific University, Azusa	103	2	1	50%	1	50%	2	1	50%	1	50%
Brandman University	253	2	1	50%	1	50%	1	0	0%	1	100%
California State University, Fresno	005	2	1	50%	1	50%	1	0	0%	1	100%
California State University, Fullerton	006	1	1	100%	0	0%	1	1	100%	0	0%
Chapman University, Orange	113	1	1	100%	0	0%	1	1	100%	0	0%
John F. Kennedy University, Orinda	124	1	1	100%	0	0%	1	1	100%	0	0%
Loyola Marymount University, Los Angeles	126	2	2	100%	0	0%	2	2	100%	0	0%
Out-of-State	300	17	14	82%	3	18%	11	10	91%	1	9%
San Diego State University	015	1	0	0%	1	100%	1	0	0%	1	100%
San Francisco State University	016	1	0	0%	1	100%	1	0	0%	1	100%
San Jose State University	017	4	2	50%	2	50%	1	1	100%	0	0%
St. Mary's College of CA, Moraga	136	1	0	0%	1	100%	1	0	0%	1	100%
University of La Verne, La Verne	140	1	0	0%	1	100%	1	0	0%	1	100%
University of Redlands	259	2	2	100%	0	0%	1	1	100%	0	0%
University of San Diego, San Diego	142	2	2	100%	0	0%	1	1	100%	0	0%
University of San Francisco, San Francisco	143	1	1	100%	0	0%	1	1	100%	0	0%
Western Seminary (Western Conservative Baptist Seminary)	232	1	1	100%	0	0%	0	0		0	
Wright Institute, Berkeley	150	1	1	100%	0	0%	1	1	100%	0	0%

<b>NCMHCE Exam TOTAL:</b>	<b>46</b>	<b>32</b>	<b>70%</b>	<b>14</b>	<b>30%</b>	<b>31</b>	<b>22</b>	<b>71%</b>	<b>9</b>	<b>29%</b>
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# **Project Work Plan and Schedule**

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The CPS HR work plan and methodology includes using qualified consultants to perform the following tasks:

## **Task 1 – Introduction/Kickoff Meeting – (completed within two (2) weeks from the contract start date)**

- 1) Prepare for, attend and document a kickoff meeting with Board management to review the project scope, objectives, roles, responsibilities, deliverables and schedule.
- 2) Obtain and review basic background and relevant resource documents for conducting the audit, to include, but not be limited to:
  - a. Existing statutory mandates and fee structure
  - b. Applicable Bargaining Unit agreements
  - c. Staff duty statements/job descriptions
  - d. Policy and procedure manuals, documents and job aids
  - e. Pertinent Budget Letters – Pricing Letters, and financial assumptions
  - f. DCA Annual Reports for BBS performance measures and performance (exact counts) for the last three fiscal years
  - g. Detailed DCA budget and expenditure statements and revenue statements for the last three fiscal years; including Month 13 reports
  - h. Fund Condition History and Detailed Fund Balance Reports
  - i. Fiscal year (FY) 2017-18 Governor’s budget;
  - j. Any recent or proposed Budget Change Proposals (BCPs); The Board’s Adopted FY 2018-2019 Budget
  - k. The Board’s 2015 Sunset Review Report 2015

## **Task 2 – Conduct Workload and Financial Analysis (completed within ten (10) weeks from the completion of Task 1)**

- 1) Meet with key managers to conduct walk throughs of pertinent functional areas and perform in-depth interviews with staff as necessary to gain an understanding of the pertinent functional areas, including staff roles, responsibilities, workload, business process and system strengths and weaknesses.

- 2) Gather and analyze pertinent staff workload information through reviewing duty statements, follow-up interviews and observations in each program area.
- 3) Conduct a financial analysis of fee/non-fee scheduled and unscheduled revenues, and expenditures, including DCA pro rata costs, and project the same for three to five fiscal years forward based on accepted financial assumptions.
- 4) Maintain ongoing communication with the Board's project manager and Board Executive Management Staff to include on-site, in-person briefings as requested by the project manager, and a written monthly status report.

**Task 3 – Prepare and Present Draft Report Results (completed within three (3) weeks from the completion of Task 2)**

- 1) Prepare and deliver a draft executive summary that includes all project findings, conclusions and recommendations.
- 2) Perform quality assurance checks to ensure the accuracy, supportability and concurrence of the evidence and findings of the audit.
- 3) Meet with the Board's project manager and Board Executive Management staff for a formal discussion of all the issues, findings, and recommendations that will be included in a final written report. Review and discuss any additional information or concerns of the Board and make amendments to written report as required.

**Task 4 – Review, Edit and Finalize Report (completed within two (2) weeks from the completion of Task 3)**

- 1) Prepare, deliver and review with Board Executive Management staff, and the Board's project manager, a draft report in both hard copy and electronic format.
- 2) Make final edits and amendments on the draft report and incorporate revisions to respond to any concerns or comments from Board Executive Management staff.

**Task 5 – Deliver and Present Final Report (completed within one (1) week from the completion of Task 4)**

- 1) Meet with the Board Executive Management staff and deliver a formal presentation that includes the final report in both hard copy and electronic format.

CPS HR shall provide the Board's project manager with monthly status reports via email. These reports shall include the following and be due by the last working day of each month:

- A. Project work performed during the month;

- B. Project work anticipated to be performed during the following month; and
- C. Problems that have arisen or are anticipated, along with proposed solutions.

### **Project Deliverable/Event Milestone Schedule**

The following milestone chart assumes a project duration of approximately 18 weeks. The milestone schedule dates are estimates only and will change based on the actual project start date and project completion efficiency.

<b>TASKS</b>	<b>DELIVERABLES/EVENT</b>	<b>DELIVERABLES (COMPLETION BY)</b>
Task 1	Introduction/Kickoff Meeting	TBD – 2 weeks after contract start date
Task 2	Conduct Workload and Financial Analyses	TBD – 10 weeks after completion of Task 1
Task 3	Prepare and Present Draft Report Results	TBD – 3 weeks after completion of Task 2
Task 4	Review, Edit and Finalize Report	TBD – 2 weeks after completion of Task 3
Task 5	Deliver and Present Final Report	TBD – 1 week after completion of Task 4

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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:** Board Members **Date:** September 6, 2018  
**From:** Laurie Williams **Telephone:** (916) 574-7850  
Human Resources Liaison  
**Subject: Personnel Update**

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### **New Employees**

Office Technician (Typing) / Licensing - Effective June 8, 2018, John Hicks joined the Board as limited-term full-time employee who is responsible for the File Maintenance of the Board's file room. Mr. Hicks completed similar duties as a Seasonal Clerk with the Board prior to his appointment to his new position.

Staff Services Manager I / Discipline & Probation Unit / Enforcement – Jonathan Burke accepted this permanent full-time SSMI position effective July 12, 2018. Mr. Burke will oversee, monitor, assign, and maintain the daily oversight of the Discipline & Probation Unit. Mr. Burke acted as the Board and Bureau Services Manager with the Department of Consumer Affairs Executive Office prior to his transfer to the Board.

### **Departures**

Kimberly Brady promoted to a Staff Services Analyst with the Department of Public Health and her last day with the Board was August 24, 2018.

Angel Quintero will be transferring to the Board of Registered Nursing (BRN) effective September 18, 2018. He will be working in the BRN Call Center.

### **Retirements**

Sandra Wright will retire from state service effective October 1, 2018. Ms. Wright functions as a Discipline Analyst in the Discipline & Probation Unit within the Enforcement Program. Ms. Wright worked at the Board for 19 years.

Deborah Flewellyn will retire from state service effective November 1, 2018. Ms. Flewellyn performs the duties of a Licensed Marriage and Family Therapist Evaluator. Ms. Flewellyn worked at the Board for 21 years.

Gina Bayless will retire from state service effective December 1, 2018. Ms. Bayless acts as the Examination & Cashiering Manager for the Board. Ms. Bayless worked at the Board for 3 years.

## Vacancies

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

Staff Services Manager I / Examination & Cashiering Unit – This manager oversees, monitors, assigns, and maintains the daily oversight of the Examination & Cashiering Unit. The Board will begin the recruitment process for this vacancy in early November 2018.

Associate Governmental Program Analyst (Part-time 0.5) / Enforcement – This vacancy is assigned to the Discipline & Probation Unit in the Enforcement Program to function as a Probation Analyst. The hiring manager will begin the recruitment for this vacancy in the coming month.

Associate Governmental Program Analyst / Enforcement – This vacancy is assigned to the Discipline & Probation Unit in the Enforcement Program to function as a Discipline Analyst. The hiring manager is reviewing the current duty statement and will begin the recruitment for this vacancy in the coming month.

Management Services Technician (MST) / Licensing – This position will be filled on a limited-term basis and will perform the duties of a Licensed Educational Psychologist (LEP) Evaluator and Initial License Evaluator. The hiring manager is currently reviewing the candidate applications and will be holding interviews in the coming weeks.

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 Board is currently preparing the Request for Personnel Action packet for this vacancy to be submitted to the Office of Human Resources for review and approval in the coming week.

Office Technician (OT) / Cashiering – This position functions as a cashier for the Board. The hiring manager is reviewing the current duty statement and will begin the recruitment for this vacancy in the coming month.





Board of Behavioral Sciences

# Memo

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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:** Board Members

**Date:** September 6, 2018

**From:** Kim Madsen  
Executive Officer

**Telephone:** (916) 574-7841

**Subject: Strategic Plan Update**

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Attached for your review is the Strategic Plan update.

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Licensing	STATUS
<b><i>Establish licensing standards to protect consumers and allow reasonable and timely access to the profession.</i></b>	
<b>1.1</b> Identify and implement enhanced communication during the application process to respond to stakeholder concerns regarding communication between applicants and the Board.	
<b>1.2</b> Improve and expand the Board’s virtual online BreEZe functionality to provide applicants with the precise status of their applications and license.	
<b>1.3</b> Research and explore a comprehensive online application process to improve efficiency.	
<b>1.4</b> Evaluate and revise current laws and regulations relating to licensure portability to increase consumer access to mental health care.	<b>August 2018</b> – License Portability Committee recommendations and draft regulations will be considered during the August 2018 Policy and Advocacy meeting.

<b>Examinations</b> <i>Administer fair, valid, comprehensive, and relevant licensing examinations.</i>	<b>STATUS</b>
<b>2.1</b> Improve the efficiency and reduce processing times to streamline the online exam application.	<b>August 2018</b> Board management initiates process to procure a vendor to administer Board developed examinations.
<b>2.2</b> Explore methods to improve the candidate’s exam experience to address concerns relating to the quality and customer service.	
<b>2.3</b> Improve the Board’s examination study materials to increase access to exam preparation.	
<b>2.4</b> Evaluate the Association of Marriage and Family Therapy Regulatory Board’s (AMFTRB) national examination to determine if appropriate for use in California.	

Enforcement	STATUS
<i>Protect the health and safety of consumers through the enforcement of laws.</i>	
<b>3.1</b> Explore the feasibility of additional staff resources to address the increase in number of licensees placed on probation.	<b>June 2018</b> – Restructured the Enforcement Program to establish a manager position to provide oversight of the Probation and Discipline Unit. <b>July 2018</b> – Request for 1 full time and 1 half time position to monitor probationers was approved. Initiated recruitment for manager. Initiated recruitment for probation monitor positions. <b>August 2018</b> – Manager hired.
<b>3.2</b> Educate registrant and licensees about general legal requirements and consequences to practitioners who fail to adhere to these legal requirements.	
<b>3.3</b> Educate the Deputy Attorney Generals and Administrative Law Judges regarding the disease of addiction and substance abuse to increase their awareness during the discipline process.	
<b>3.4</b> Establish uniform standards and templates for reports and evaluations submitted to the Board related to disciplinary matters.	

**Legislation and Regulation**

**STATUS**

*Ensure that statutes, regulations, policies, and procedures strengthen and support the Board's mandate and mission.*

<b>4.1</b> Pursue legislation to implement the recommendations of the License Portability Committee to improve license portability.	<b>August 2018</b> – Recommendations presented at August 24, 2018 Policy and Advocacy Committee meeting.
<b>4.2</b> Reorganize the statutes and regulations specific to each Board license type to improve understanding of application statutes and regulations.	
<b>4.3</b> Continue to review statutory parameters for exempt settings and modify, if necessary, to ensure adequate public protection.	<b>August 2018</b> - Final meeting of the Exempt Setting Committee scheduled for September 12, 2018.
<b>4.4</b> Explore the feasibility of improving the law and ethics renewal requirements to inform licensees about updates in relevant laws.	<b>July 2018</b> – Board's Continuing Education Analyst will attend all major outreach events to educate licensees regarding continuing education requirements.
<b>4.5</b> Review and update existing telehealth regulations to improve consumer protection and access to services.	<b>May 2018</b> Board established a Telehealth Committee to begin work after January 1, 2019.

<b>Organizational Effectiveness</b> <i>Build an excellent organization through proper Board governance, effective leadership, and responsible management.</i>	<b>STATUS</b>
<b>5.1</b> Implement a strategic succession plan of Board staff to ensure continued success of the Board’s operations.	
<b>5.2</b> Support DCA efforts to contract with independent organizations to perform occupational analyses and salary surveys of management-level positions equivalent to the Executive Officer and Bureau Chief classifications to enhance the Board’s ability to attract and retain competitive applicants.	<b>Spring 2018</b> – Board management contacts DCA Executive Management offering assistance with the EO survey and process. <b>July 2018</b> DCA reports requests for bid to conduct EO survey near completion.
<b>5.3</b> Explore the feasibility of hiring in-house counsel to ensure consistency in the application of law.	<b>Winter and Spring 2018</b> – Board management initiates review of existing laws that allow Board’s to hire in-house counsel. Board management engaged in discussions to seek similar hiring authority. <b>August 2018</b> - Proposed language to provide the Board with the hiring authority is removed from bill.
<b>5.4</b> Explore the feasibility of hiring a media and internet technology specialist to increase consistency in messaging to stakeholders.	
<b>5.5</b> Improve customer service with stakeholders to expand (or support) effective communication and accessibility to the Board.	<b>Spring 2018</b> – Implemented revised phone system.

<b>Outreach and Education</b> <i>Engage stakeholders through continuous communication about the practice and regulation of the professions, and mental health.</i>	<b>STATUS</b>
<b>6.1</b> Explore modalities of communication to expand and increase outreach.	
<b>6.2</b> Advocate to increase Board presence at national professional association meetings to enhance awareness of national trends and best practices.	<b>May 2018</b> – Received approval for Board EO to attend ASWB Spring Education Conference in Halifax, Nova Scotia to present draft license portability plan. <b>July 2018</b> - Received approval for Board EO to attend NBCC, AMFTRB, and ASWB national meetings in Fall 2018.
<b>6.3</b> Develop an outreach program to educate the public about the benefits of mental health to reduce barriers and destigmatize mental health care.	
<b>6.4</b> Explore opportunities to coordinate with stakeholders to increase diversity of mental health practitioners to better serve California’s diverse population.	
<b>6.5</b> Improve outreach activities to educational institutions, students, and applicants to educate incoming registrants of application requirements for licensure.	<b>August 2018</b> – Board management initiated discussions with SOLID to discuss developing video tutorials for Board website.





## Discussion

### Retire License History

During the January 23, 2010 Board meeting, the Board discussed the proposal to add a “retired license” status. Board staff noted that in 2007, a proposal to add this license category was approved by the Board. However, due to other Board priorities, the legislation proposal was not initiated. Board staff explained to the Board Members and stakeholders that many licensees requested a retired status in lieu of the existing options – active or inactive. Further, a retired license status was not uncommon among other healing art professions.

The Board and stakeholders discussed the time period a retired licensee would be allowed to reactive the license in the event the retired licensee wished to return to practice. Additional requirements such as continuing education, fees, and assurance that the individual had not committed any crimes or acts that would constitute grounds for discipline was also discussed. The Board voted to approve the legislation proposal, as amended and directed staff to submit the proposal to the Legislature. Assembly Bill 2191 (Emmerson) was introduced in early 2010 and was signed by the Governor on September 29, 2010. The retired license status became effective on January 1, 2011.

### Request to Offer a Retired License and not Post the Accusation on the Board’s Website

The process to retire a license and the discipline process are very different.

The intent of the retired license status is to provide the licensee an option if the licensee no longer wishes to practice. Under this option, the licensee is permitted to submit a one-time fee to the Board. A retired license honors the years of service in the mental health profession but does not permit the licensee to practice. Under current law, a licensee may not have committed a crime or act which would constitute disciplinary action to qualify for the retired license.

The disciplinary process entails an investigation of alleged violations of the Board’s laws. Once an investigation substantiates a violation of the law, appropriate action is determined. This action may include the issuance of a citation and fine or initiating the formal discipline process. Once the action is initiated, the licensee is afforded specific rights under the Administrative Procedure Act. This Act is carefully constructed to ensure specific procedures are followed and an individual’s rights are protected.

As a state regulatory agency, the Board is mandated to protect consumers. The publication of disciplinary actions on the Board’s website is one way to protect consumers. Consumers may view a licensee’s record to determine if they wish to seek services from the licensee. Additionally, formal disciplinary actions are also reported to the National Practitioner Data Bank (NPDB). The NPDB provides a mechanism for states and other entities such as hospitals, to verify a licensee’s history should the licensee apply for licensure or employment. Under federal law, the Board is required to enter all disciplinary actions.

If the Board were to adopt Mr. Frankel’s suggestion and offer a retired license to licensee whom is the subject of an Accusation; a neuro-cognitive disorder is confirmed; and fail to post the Accusation on its website, it is likely that the Board would be perceived as noncompliant with its consumer protection mandate.

Moreover, years ago, some healing art boards utilized a loosely similar practice for impaired licensees. This activity essentially offered the licensee, who was determined to be impaired, the option to enter a recovery program in lieu of discipline. The licensee's enrollment in a recovery program was not made public, nor was the enforcement action posted on the Board's website. Often if the licensee successfully completed the program, the enforcement and/or discipline was never made public. This lack of transparency resulted in legislation to discontinue this process and the implementation of the Uniformed Standards Related to Substance Abuse.

### Update

Mr. Frankel was unable to appear at the March 2017 Board Meeting to fully discuss his request. Mr. Frankel was provided a subsequent opportunity at the February 2018 Board Meeting. However, due to a misunderstanding, Mr. Frankel briefly provided comments during the public comment period at the beginning of the meeting instead of presenting his request to the Board.

In Mr. Frankel's initial correspondence, he mentions his clients at other DCA Boards such as the Board of Psychology, California Medical Board, and the Board of Registered Nursing, have had an accusation filed; yet the misconduct alleged is a result of the licensee's dementia.

Board staff contacted these boards as well as the Board of Pharmacy. Thus far, none of the Boards that replied are using the "retirement" option in lieu of discipline. The Boards indicated that after an accusation is filed, a voluntary surrender is an option. The BBS also has the voluntary surrender option.

The Board of Psychology advised BBS that it is discussing Mr. Frankel's suggestion at its Enforcement Committee on September 12, 2018. The BBS was invited to sit in on the discussion.

### Recommendation

Conduct an open discussion regarding Mr. Frankel's request.

### Attachments

Mr. Frankel email and documentation

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## Madsen, Kim@DCA

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**From:** Steve Frankel <drpsylex@gmail.com>  
**Sent:** Wednesday, December 28, 2016 10:34 AM  
**To:** Madsen, Kim@DCA  
**Cc:** Yu, Pearl@DCA  
**Subject:** Please distribute to each member of the Board of Behavioral Sciences  
**Attachments:** Letter to Phillips and Horn re- Retirement with Dignity.docx; Kelly, Pamlyn DEC.pdf

Season's greetings to you/yours, with hopes for a happy & healthy 2017.

Attached, please find a letter I have sent to two members (one is the Chair) of the Board of Psychology regarding a proposal to provide retirement with dignity to licentiates whose capacities to practice become impaired, due to neuro-cognitive degenerative disorders (i.e., dementias, primarily). I'm a licensed MFT (3343 - inactive since I graduated from law school), and psychologist (3354), and have served both as a board expert and a defense counsel regarding BBS licentiates.

The attached documents reflect a growing concern I have about the increasing numbers of licentiates who fall into the age range during which neuro-cognitive degenerative disorders increase in probability. I have seen cases with clients who are BBS, BOP, Med Board and Nursing Board licentiates with these disorders, and the most urgent concern I have about these colleagues (besides terminating their practices) concerns board complaints that lead to revocations, for which the Accusations placed on the relevant board's websites, present a "list of horrors" that they have committed, as a result of dementia. I am attaching a recent BOP case of my own to illustrate my point.

By this message, I'm making two requests: first, as noted above, I would like you to distribute my message and attachments to all BBS members. And, second, I would like to have the opportunity to address these issues before the Board, at one of its up-coming meetings - to have my presentation placed on the meeting agenda. I am working cooperatively with Margy Gatz, Ph.D., a gero-psychologist on the faculty of USC, who reports that, in the general population, neuro-cognitive impairments occur in one out of every six men and one out of every five women. The BBS has over 100,000 licentiates, and, as those licentiates age, (consider the "baby boomers" over the next 10-15 years), a growing number of complaints against licentiates is expected, where such complaints result from dementias. What I am requesting, in addition to the establishment of training/education/collegial support for licentiates, is an agreement by the Boards to provide for Retirement status and not posting Accusations that list the descriptions of the behaviors which brought the professional to the Board's attention, on the Board's website. Colleagues whose careers are characterized by professional and successful service provision should not leave a legacy on the Board's website that demeans and diminishes those accomplishments.

Thank you very much.

Best,

Steve

A. Steven Frankel, Ph.D., J.D.  
3527 Mt. Diablo Blvd., #269  
Lafayette, CA 94549  
Voice: (925) 943-6175  
Fax: (925) 944-8889  
Clinical Prof. of Psychology, USC  
Fellow, APA & ISSTD  
ABPP Diplomate (Clinical & Forensic)  
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12/27/16:

Memo to: Stephen Phillips, J.D., Ph.D. and Jacqueline Horn, Ph.D. Board of Psychology

Hi to you both, and best wishes for a happy/healthy/safe new year to you/yours.

I'm writing with a request for a pathway to bring an issue to the Board's full attention. I am including you both because I believe that Jackie Horn is familiar with my investment in this issue, but I give full permission for you to share it with the entire Board and such staff as up to your discretion.

I am also going to follow this email with a second one, which will contain a link to a recent surrender of a psychologist's license that bears directly on the problem I'm raising. I have also copied psychologist Margy Gatz in on this email, as she is a gerontology specialist/psychologist at USC with whom I've been in touch for well over 1-2 years, discussing the issue I'm raising here. We have known each other since the '70s, when I was full-time faculty at USC.

And so:

I am increasingly concerned about the fact that, over the coming years (maybe 15-20 years), we are facing an increasing number of colleagues whose capacity to practice is impacted by any of a series of disorders associated with decreased neurologic functioning, such as any of the dementias, and I have a clear and direct request to make to the Board as regards this group of colleagues.

As you may know, the Board has received a series of complaints about licensed colleagues, with vivid descriptions of their degrading functionality, and the Board has investigated such cases and found, among many violations of the standards of care for psychologists, that neuro-cognitive degenerative disorders are responsible (in part or whole) for the compromised behavior of our colleagues. I fully agree that colleagues thus affected should be barred from further practice - allowing them to practice while impaired is not at all what I'm writing about.

What I am writing about is that, when those colleagues so affected surrender their licenses, what happens is that the surrender and the investigative reports (Accusations) against them are posted on the Board's website. I find this a horrifying statement about the legacy of colleagues who often have been competently practicing for years, and whose violations were, truly, beyond their awareness or control (as you probably know, dementias don't like us to find out that we have them). My following email contains such a case, and you can see for yourselves how a colleague in her '70s became demented, and how her behavior resulted in Board complaints, investigations and a final legacy that demeans and devalues her, after years of successful practice, often

with military trauma survivors.

What I would dearly love to see happen is that, now that Gov. Brown has signed the Omnibus legislation that provides for a "Retired" category of licensure, and especially given that anyone who formally retires from practice would have to petition for reinstatement, the Board would see its way clear NOT TO POST an Accusation on the Board's website for colleagues who agree to surrender their licenses and have submitted to proper evaluations and found to be suffering from a neuro-cognitive disorder that is not subject to healing. Rather, and given that the psychologist whose behavior is in question does agree to be properly evaluated, such that the presence of a neuro-cognitive degenerative disorder is found, simply be allowed to "Retire" from practice. No Accusations, no statements of legal or regulatory violations. Just "Retired."

I can't deny that, while writing these words, I had the urge to include a question like: "wouldn't you want such a pathway yourselves, if, heaven forbid, you should be one of these unfortunate colleagues?" but I decided against it :-).

And so, what I am requesting is that you let me know a proper pathway to raise this issue for the Board's consideration and discussion. I would be happy to appear at a Board meeting to discuss this proposal, or further assist in any way(s) I can. Dr. Gatz has access to some data bearing on probabilities of such illnesses, that might be helpful, especially if the Board staff could provide her with the kinds of information that researchers need to forecast such illnesses (I made this request about 2 years ago, of the then-director of the Board, but it was declined for lack of "manpower" to do the research). If Dr. Gatz and I could provide graduate students to do the work, might we re-open that request?

In sum, I would very much appreciate any assistance you might provide in how/when/where to present this request to the Board.

Best,

Steve



**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

\_\_\_\_\_

Psychologist License No. PSY/\_\_\_\_\_

Respondent.

Case No. \_\_\_\_\_

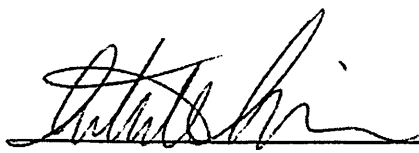
OAH No. \_\_\_\_\_

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 13, 2016.

It is so ORDERED October 14, 2016.

  
\_\_\_\_\_  
ANTONETTE SORRICK  
EXECUTIVE OFFICER  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 VLADIMIR SHALKEVICH  
Acting Supervising Deputy Attorney General  
3 JOHN S. GATSCHET  
Deputy Attorney General  
4 State Bar No. 244388  
California Department of Justice  
5 1300 I Street, Suite 125  
P.O. Box 944255  
6 Sacramento, CA 94244-2550  
Telephone: (916) 445-5230  
7 Facsimile: (916) 327-2247  
E-mail: John.Gatschet@doj.ca.gov  
8 *Attorneys for Complainant*

9 **BEFORE THE**  
**BOARD OF PSYCHOLOGY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:  
13 [REDACTED]  
14 [REDACTED]  
15 Psychologist License No. PSY [REDACTED]  
16 Respondent.

Case No. [REDACTED]  
OAH No. [REDACTED]  
**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17  
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Antonette Sorrick ("Complainant") is the Executive Officer of the Board of  
22 Psychology, Department of Consumer Affairs ("Board"). She brought this action solely in her  
23 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
24 State of California, by John S. Gatschet, Deputy Attorney General.

25 2. [REDACTED] ("Respondent") is represented in this proceeding by attorney A.  
26 Steven Frankel, whose address is 3527 Mount Diablo Blvd., Ste. 269  
27 Lafayette, CA 94549.

28 ///





ORDER

1  
2 **IT IS HEREBY ORDERED** that Psychologist License No. PSY [REDACTED] issued to  
3 Respondent [REDACTED], is surrendered and accepted by the Board of Psychology.

4 1. The surrender of Respondent's Psychologist License and the acceptance of the  
5 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
6 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
7 license history with the Board of Psychology.

8 2. Respondent shall lose all rights and privileges as a Psychologist in California as of the  
9 effective date of the Board's Decision and Order.

10 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
11 issued, her wall certificate on or before the effective date of the Decision and Order.

12 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
13 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
14 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
15 effect at the time the petition is filed, and all of the charges and allegations contained in

16 ~~Accusation No. [REDACTED] shall be deemed to be true, correct and admitted by Respondent~~  
17 when the Board determines whether to grant or deny the petition.

18 5. If Respondent should ever apply or reapply for a new license or certification, or  
19 petition for reinstatement of a license, by any other health care licensing agency in the State of  
20 California, all of the charges and allegations contained in Accusation, No. [REDACTED] shall  
21 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 6. Respondent shall pay the Board its full costs of investigation and enforcement in the  
24 amount of \$33,442.75 prior to issuance of a new or reinstated license.

25 ///

26 ///

27 ///

28 ///

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, A. Steven Frankel, PH.D., J.D.. I understand the stipulation and the effect it will have on my Psychologist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

DATED: 9-12-2016



Respondent

I have read and fully discussed with Respondent [redacted] the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 9/12/16

A. STEVEN FRANKEL, PH.D., J.D.  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

Dated: 9/12/16

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
VLADIMIR SHALKEVICH  
Acting Supervising Deputy Attorney General

JOHN S. GATSCHET  
Deputy Attorney General  
Attorneys for Complainant

---

**Exhibit A**

**Accusation No. [REDACTED]**

**[REDACTED]**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSÉ R. GUERRERO  
Supervising Deputy Attorney General  
3 JOHN S. GATSCHET  
Deputy Attorney General  
4 State Bar No. 244388  
California Department of Justice  
5 1300 I Street, Suite 125  
P.O. Box 944255  
6 Sacramento, CA 94244-2550  
Telephone: (916) 445-5230  
7 Facsimile: (916) 327-2247  
*Attorneys for Complainant*  
8

9  
10 BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. [REDACTED]

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

ACCUSATION

16 Psychologist License No. PSY [REDACTED]

17 Respondent.

18  
19 Complainant alleges:

20 PARTIES

21 1. Antonette Sorrick ("Complainant") brings this Accusation solely in her official  
22 capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs  
23 ("Board").

24 2. On or about April 4, 1994, the Board issued Psychologist License Number PSY  
25 [REDACTED] to [REDACTED] ("Respondent"). The Psychologist License was in full force and  
26 effect at all times relevant to the charges brought herein and will expire on November 30, 2017,  
27 unless renewed.

28 ///



JURISDICTION

1  
2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 2918 of the Code states:

5 "The confidential relations and communications between psychologist and client shall be  
6 privileged as provided by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8  
7 of the Evidence Code."

8 5. Section 1013 of the California Evidence Code states:

9 "As used in this article, 'holder of the privilege' means:

10 "(a) The patient when he has no guardian or conservator. . . .

11 "..."

12 6. Section 56.10 of the California Civil Code states:

13 "(a) A provider of health care, health care service plan, or contractor shall not disclose  
14 medical information regarding a patient of the provider of health care or an enrollee or subscriber  
15 of a health care service plan without first obtaining an authorization, except as provided in  
16 subdivision (b) or (c).

17 "..."

18 7. Section 2936 of the Code states:

19 "The board shall adopt a program of consumer and professional education in matters  
20 relevant to the ethical principles of psychology. The board shall establish as its standards of  
21 ethical conduct relating to the practice of psychology, the "Ethical Principles of Psychologists and  
22 Code of Conduct" published by the American Psychological Association ('APA'). Those  
23 standard shall be applied by the board as the accepted standard of care in all licensing  
24 examination development and in all board enforcement policies and disciplinary case evaluations.

25 "..."

26 8. Section 2960 of the Code states:

27 "The board may refuse to issue any registration or license, or may issue a registration or  
28 license with terms and conditions, or may suspend or revoke the registration or license of any

1 registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional  
2 conduct. Unprofessional conduct shall include, but not be limited to:

3 "...

4 "(h) Willful, unauthorized communication of information received in professional  
5 confidence.

6 "(i) Violating any rule of professional conduct promulgated by the board and set forth in  
7 regulations duly adopted under this chapter.

8 "(j) Being grossly negligent in the practice of his or her profession.

9 "(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

10 "...

11 "(n) The commission of any dishonest, corrupt, or fraudulent act.

12 "...

13 "(r) Repeated acts of negligence."

14 9. Section 2961 of the Code states:

15 "The Board may deny an application for, or issue subject to terms and conditions, or  
16 suspend or revoke, or impose probationary conditions upon, a license or registration after a

17 hearing provided in Section 2965."

18 10. Section 2964.6 of the Code states:

19 "An administrative disciplinary decision that imposes terms of probation may include,  
20 among other things, a requirement that the licensee who is being placed on probation pay the  
21 monetary costs associated with monitoring the probation."

22 11. APA Code of Ethics, Principle A (Beneficence and Non-maleficence) states in part,

23 "Psychologists strive to benefit those with whom they work and take care to do no  
24 harm...Psychologists strive to be aware of the possible effect of their own physical and mental  
25 health on their ability to help those with whom they work."

26 12. APA Code of Ethics, Principle C (Integrity) states in part,  
27  
28

1 "Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching,  
2 and practice of psychology. In these activities psychologists do not steal, cheat, or engage in  
3 fraud, subterfuge, or intentional misrepresentations of fact."

4 13. APA Code of Ethics, Principle E (Respect for People's Rights and Dignity) states in  
5 part,

6 "Psychologists respect the dignity and worth of all people, and the rights of individuals to  
7 privacy, confidentiality, and self-determination..."

8 14. APA Code of Ethics section 3.04 states,

9 "Psychologists take reasonable steps to avoid harming their clients/patients...and to  
10 minimize harm where it is foreseeable and unavoidable."

11 15. APA Code of Ethics section 3.05 states,

12 "(a) A multiple relationship occurs when a psychologist is in a professional role with a  
13 person and (1) at the same time is in another role with the same person, (2) at the same time is in a  
14 relationship with a person closely associated with or related to the person with whom the  
15 psychologist has the professional relationship, or (3) ...

16 "A psychologist refrains from entering into a multiple relationship if the multiple  
17 relationship could reasonably be expected to impair the psychologist's objectivity, competence, or  
18 effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation  
19 or harm to the person with whom a professional relationship exists.

20 "..."

21 16. APA Code of Ethics section 3.06 states,

22 "Psychologists refrain from taking on a professional role when personal, scientific,  
23 professional, legal, financial, or other interests or relationships could reasonably be expected to  
24 (1) impair their objectivity, competence, or effectiveness in performing their functions as  
25 psychologists or (2) expose the person or organization with whom the professional relationship  
26 exists to harm or exploitation."

27 17. APA Code of Ethics section 3.08 states,  
28

1 "Psychologists do not exploit persons over whom they have supervisory, evaluative, or  
2 other authority such as clients/patients, students, supervises, research participants, and  
3 employees."

4 18. APA Code of Ethics Section 3.12 states,

5 "Unless otherwise covered by contract, psychologists make reasonable efforts to provide for  
6 facilitation services in the event that (they) are interrupted by factors such as the psychologist's  
7 illness, death, unavailability, relocation, or retirement or by the client's/patient's relocation or  
8 financial limitations."

9 19. APA Code of Ethics section 4.01 states,

10 "Psychologists have a primary obligation and take reasonable precautions to protect  
11 confidential information obtained through or stored in any medium, recognizing that the extent  
12 and limits of confidentiality may be regulated by law or established by institutional rules or  
13 professional or scientific relationship."

14 20. APA Code of Ethics section 4.04 states,

15 "..."

16 "(b) Psychologists discuss confidential information obtained in their work only for

17 appropriate scientific or professional purposes and only with persons clearly concerned with such  
18 matters."

19 21. APA Code of Ethics section 4.05 states,

20 "..."

21 "(b) Psychologists disclose confidential information without the consent of the individual  
22 only as mandated by law, or where permitted by law for a valid purpose such as to (1) provide  
23 needed professional services; (2) obtain appropriate professional consultations; (3) protect the  
24 client/patient, psychologist, or others from harm; (4) obtain payment for services from a  
25 client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve  
26 the purpose."

27 22. APA Code of Ethics section 6.01 states,  
28

1 "Psychologists create, and ...maintain, disseminate, store, retain, and dispose of records and  
2 data relating to their professional...work in order to (1) facilitate provision of services later by  
3 them or by other professionals...(4) ensure accuracy of billing and payments, and (5) ensure  
4 compliance with law."

5 23. APA Code of Ethics section 6.06 states,

6 "In their reports to payors for services...psychologists take reasonable steps to ensure the  
7 accurate reporting of the nature of the service provided,..the fees, charges, or payments, and  
8 where applicable, the identity of the provider, the findings, and the diagnosis."

9 24. APA Code of Ethics section 9.01 states,

10 "(a) Psychologists base the opinions contained in their recommendations, reports, and  
11 diagnostic or evaluative statements...on information and techniques sufficient to substantiate their  
12 findings."

### 13 COST RECOVERY

14 25. Section 125.3 states that:

15 "(a) Except as otherwise provided by law, in any order issued in resolution of a  
16 disciplinary proceeding before any board within the department or before the Osteopathic Medical

17 Board upon request of the entity bringing the proceedings, the administrative law judge may  
18 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
19 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

20 "(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order  
21 may be made against the licensed corporate entity or licensed partnership.

22 "(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs  
23 are not available, signed by the entity bringing the proceeding or its designated representative  
24 shall be prima facie evidence of reasonable costs of investigation and prosecution of the case.  
25 The costs shall include the amount of investigative and enforcement costs up to the date of the  
26 hearing, including, but not limited to, charges imposed by the Attorney General.

27 "(d) The administrative law judge shall make a proposed finding of the amount of  
28 reasonable costs of investigation and prosecution of the case when requested pursuant to

1 subdivision (a). The finding of the administrative law judge with regard to costs shall not be  
2 reviewable by the board to increase the cost award. The board may reduce or eliminate the cost  
3 award, or remand to the administrative law judge if the proposed decision fails to make a finding  
4 on costs requested pursuant to subdivision (a).

5 "(e) If an order for recovery of costs is made and timely payment is not made as directed in  
6 the board's decision, the board may enforce the order for repayment in any appropriate court. This  
7 right of enforcement shall be in addition to any other rights the board may have as to any  
8 licentiate to pay costs.

9 "(f) In any action for recovery of costs, proof of the board's decision shall be conclusive  
10 proof of the validity of the order of payment and the terms for payment.

11 "(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the  
12 license of any licentiate who has failed to pay all of the costs ordered under this section.

13 "(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or  
14 reinstate for a maximum of one year the license of any licentiate who demonstrates financial  
15 hardship and who enters into a formal agreement with the board to reimburse the board within  
16 that one-year period for the unpaid costs.

17 "(h) All costs recovered under this section shall be considered a reimbursement for costs  
18 incurred and shall be deposited in the fund of the board recovering the costs to be available upon  
19 appropriation by the Legislature.

20 "(i) Nothing in this section shall preclude a board from including the recovery of the costs  
21 of investigation and enforcement of a case in any stipulated settlement.

22 "(j) This section does not apply to any board if a specific statutory provision in that board's  
23 licensing act provides for recovery of costs in an administrative disciplinary proceeding.

24 "(k) Notwithstanding the provisions of this section, the Medical Board of California shall  
25 not request nor obtain from a physician and surgeon, investigation and prosecution costs for a  
26 disciplinary proceeding against the licentiate. The board shall ensure that this subdivision is  
27 revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from  
28

1 this subdivision is offset by an increase in the amount of the initial license fee and the biennial  
2 renewal fee, as provided in subdivision (e) of Section 2435."

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Commission of Dishonest Acts)

5 26. Respondent's license is subject to disciplinary action under Business and Professions  
6 Code sections 2936, and 2960, subdivisions (i) and (n), APA Code of Ethics Principle C, in that  
7 she committed dishonest acts by engaging in billing fraud. The circumstances are as follows:

8 27. On or about September 2010, Respondent began providing psychology services to  
9 patient D.M. Initially D.M. saw Respondent on a weekly basis. Patient D.M. was a federal  
10 employee who had supported U.S. combat forces overseas and been deployed to combat zones.  
11 By May 2012, Respondent was seeing D.M. on a monthly basis. Due to treatments from other  
12 health care providers, patient D.M. began seeing Respondent on a significantly reduced basis. On  
13 or about October 24, 2012, patient D.M. stopped seeing Respondent for further psychological  
14 care.

15 28. Between May 2012, and October 24, 2012, according to Respondent's patient records,  
16 patient D.M. received one-on-one psychological sessions or failed to appear for his scheduled

17 appointment with Respondent on fifteen separate occasions. Patient D.M.'s psychological  
18 sessions were covered by the Office of Workers' Compensation Program. According to Patient  
19 D.M., he only received treatment from Respondent on three occasions between May 2012, and  
20 October 24, 2012. Between May 2012, and October 24, 2012, Respondent billed the Office of  
21 Workers' Compensation Program for fifty seven one-on-one psychological sessions and received  
22 payment for services that were not provided.

23 29. Despite the termination of treatment to patient D.M. on October 24, 2012, and having  
24 no patient records after October 24, 2012, Respondent billed the Office of Workers'  
25 Compensation Program for forty four one-on-one psychological sessions for services between  
26 October 29, 2012, and February 27, 2013. Respondent received payment for these services  
27 despite not actually providing services to patient D.M.

28

1 30. In addition to the allegations specifically set forth in this Accusation, there were other  
2 billing irregularities present in the records where Respondent improperly billed the Office of  
3 Workers' Compensation Program for services not actually provided to patient D.M.

4 31. On or about September 2003, Respondent began providing psychological care to  
5 patient J.D. Initially, Respondent provided therapy sessions two times a week. Patient J.D. was a  
6 former federal law enforcement officer who had been involved in an officer involved shooting.  
7 Beginning in September 2008, patient J.D. was only seeing Respondent once a week. Patient  
8 J.D.'s therapy sessions were covered by the Office of Workers' Compensation Program. Between  
9 September 2008 and September 25, 2013, patient J.D. cancelled five appointments. Since 2009,  
10 Patient J.D. has not received therapy over the phone.

11 32. Between January 2012 and March 2014, Respondent billed J.D.'s insurance for two  
12 hundred and eighty three therapy sessions. Multiple sessions were billed per week despite  
13 Respondent only seeing patient J.D. one day a week.<sup>1</sup> Respondent billed J.D.'s insurance \$150.00  
14 for each session. Between January 2012 and March 2014, Respondent only drafted and submitted  
15 four reports to J.D.'s insurance and only created four progress notes detailing the treatment  
16 provided to patient J.D.

17 ~~33. In addition to the allegations specifically set forth in this Accusation, there were other~~  
18 ~~billing irregularities present in the records where Respondent improperly billed the Office of~~  
19 ~~Workers' Compensation Program and J.D.'s insurance for services not actually provided to~~  
20 ~~patient J.D.~~

21 34. On October 7, 2014, a search warrant was served on Respondent's residence, property  
22 and vehicle. Following the search, Respondent was voluntarily interviewed by an Investigator  
23 from the Department of Consumer Affairs and a Special Agent from the United States  
24 Department of Labor. Respondent was asked if she was aware that the insurance forms she  
25 submitted to the federal government were fraudulent. Respondent stated, "Yes, I was aware."

26  
27 <sup>1</sup> Assuming that the Respondent saw Patient J.D. one day a week without cancellation  
28 over this 27 month period, then one would expect no more than one hundred and sixteen therapy  
sessions being billed to the Office of Workers' Compensation Program.



1 Respondent also stated that the fraudulent billings were benefiting her and her secretary at the  
2 time, so she allowed the fraudulent billings to occur. Respondent said that the fraudulent billings  
3 were "easy to overlook."<sup>2</sup>

4 35. On or about August 2015, Respondent asked patient J.D. during a face-to-face  
5 treatment session about what, "they were going to tell the investigators," who had served the  
6 search warrant at her residence. Respondent indicated that they needed to get their stories  
7 straight. Respondent asked J.D. when he had stopped attending twice a week treatment sessions  
8 and began only seeing Respondent once a week. J.D. informed her that he had been attending  
9 once a week treatment sessions with Respondent since 2008. Respondent told J.D. that he wasn't  
10 going to tell them (law enforcement) about when she stopped seeing him twice a week for  
11 therapy. J.D. stated he will answer the questions truthfully and J.D. thought Respondent was  
12 attempting to get him to lie about what happened.

13 36. Respondent's license is subject to disciplinary action under Business and Professions  
14 Code sections 2936, and 2960, subdivisions (i) and (n), APA Code of Ethics Principle C, in that  
15 she committed dishonest acts by engaging in billing fraud.

16 **SECOND CAUSE FOR DISCIPLINE**

17 ~~(Gross Negligence - Willful, Unauthorized Communication of Information Received in~~  
18 Professional Confidence)

19 37. Respondent's license is subject to disciplinary action under Business and Professions  
20 Code section 2936, and 2960, subdivisions (h), (i) and (j), APA Code of Ethics Principle E, APA  
21 Code of Ethics sections 3.04, 4.01, 4.04, and 4.05, in that she willfully and without authorization  
22 communicated confidential patient information to other patients during treatment. The  
23 circumstances are as follows:

24 38. Complainant realleges paragraphs 26 through 36, and those paragraphs are  
25 incorporated by reference as if fully set forth herein.

26 <sup>2</sup> On October 21, 2015, in Nevada County Superior Court Case No.  
27 Respondent was charged in a criminal complaint with four felony counts involving insurance  
28 fraud and securing money by false pretenses directly related to the allegations in this matter.  
Those criminal proceedings are on-going.

1           39. On or about September 2010, patient D.M. was waiting for his appointment in  
2 Respondent's waiting room. Patient D.M. overheard Respondent tell the patient who was  
3 currently in Respondent's office that "D." was her next patient and that he wasn't her "poster  
4 child." These comments upset and bothered patient D.M. because he got the impression that he  
5 wasn't a good patient.

6           40. During treatment sessions, Respondent would tell D.M. about her other patients.  
7 Respondent mentioned a patient named "J." who worked in the bay area. Respondent mentioned  
8 that "J." had been involved in an officer involved shooting and was receiving treatment for  
9 PTSD.<sup>3</sup> Respondent told D.M. that "J." had gained a lot of weight during treatment and that he  
10 was starting to take up "two seat cushions." Respondent later told D.M. that "J." had started  
11 walking and started to lose weight. A Department of Consumer Affairs Investigator later  
12 confirmed that "J." was patient J.D.

13           41. During treatment sessions, Respondent would tell D.M. about an officer stationed at  
14 Beale Air Force Base.<sup>4</sup> Respondent told D.M. that the officer had PTSD and told D.M. when the  
15 officer transferred to an airbase in Colorado. A Department of Consumer Affairs Investigator  
16 later confirmed that the officer was a previous patient of Respondent before transferring to an  
17 airbase in Colorado.

18           42. On or about January 1, 2009 to December 31, 2014, in addition to the allegations  
19 specifically set forth in this Accusation related to patient D.M., Respondent repeatedly committed  
20 breaches of confidentiality for other patients, including patient J.D. and J.V., by failing to take  
21 measures to prevent treatment sessions from being overheard by other individuals in her house  
22 and by Respondent discussing her patients confidential information in a public setting while other  
23 individuals were present.

24           43. Respondent's license is subject to disciplinary action under section Business and  
25 Professions Code sections 2936 and 2960, subdivision (h) and (i), APA Code of Ethics Principle

26           <sup>3</sup> Additional Details provided to patient D.M. have been omitted to protect the identity of  
27 patient J.D.

28           <sup>4</sup> Additional Details provided to patient D.M. have been omitted to protect the identity of  
this patient.

1 E, APA Code of Ethics sections 4.01, 4.04, and 4.05, in that she willfully and without  
2 authorization communicated confidential patient information to other patients during treatment.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Gross Negligence - Multiple Relationships and Inappropriate Self-Disclosure)

5 44. Respondent's license is subject to disciplinary action under Business and Professions  
6 Code sections 2936, and 2960, subdivisions (i) and (j), APA Code of Ethics sections 3.05, in that  
7 she committed gross negligence during the care of her patients J.V., T.V., and M.B. The  
8 circumstances are as follows:

9 45. Complainant realleges paragraphs 26 through 43, and those paragraphs are  
10 incorporated by reference as if fully set forth herein.

11 46. Between 2010 and 2013, J.V. worked for Respondent as her assistant and performed  
12 billing services. During the same period of time patient T.V., J.V.'s husband, was Respondent's  
13 patient. During that same period of time J.V. was also Respondent's patient. Respondent failed  
14 to refer J.V., or T.V. out to another healthcare provider despite providing treatment to both  
15 spouses and employing J.V. in her practice.

16 47. Between 2010 and 2013, T.V. arrived for multiple appointments and Respondent  
17 ~~stated that she was hungry and requested that they go out to lunch. T.V. felt obligated to go to~~  
18 lunch with Respondent despite being at Respondent's office for scheduled treatment sessions.

19 48. Between 2011 and 2012, patient M.B. attended approximately five therapy sessions  
20 with Respondent. Patient M.B. felt that she was providing therapy to Respondent rather than  
21 Respondent providing therapy to her. During one visit, Respondent spent the entire time telling  
22 patient M.B. about the death of her father. During another visit, Respondent spent the entire visit  
23 watering her own plants. On a different visit to Respondent, M.B. watched as Respondent kept  
24 calling someone to take care of Respondent's horses rather than provide treatment to M.B.  
25 Patient M.B. eventually sought counseling from another therapist as Respondent was not  
26 providing her with treatment.

27 49. Between 2010 and 2011, Respondent discussed her job search with patient J.D.  
28 Respondent discussed that she was seeking a job at Beale Air Force Base. At a later session,

1 Respondent stated she was let go from Beale Air Force Base and that, "it wasn't the right fit." At  
2 these sessions Respondent did not provide treatment to J.D. and complained about her job search  
3 situation.

4 50. On or about January 1, 2009 to December 31, 2014, in addition to the allegations  
5 specifically set forth in this Accusation related to patients T.V., J.V., M.B., and J.D., Respondent  
6 repeatedly discussed other personal issues with patients which lead to the creation of improper  
7 multiple relationships with patients.

8 51. Respondent's license is subject to disciplinary action under Business and Professions  
9 Code sections 2936, and 2960, subdivisions (i) and (j), APA Code of Ethics sections 3.05, in that  
10 she committed gross negligence during the care of her patients J.V., T.V., and M.B. by discussing  
11 personal information with her patients and creating multiple relationships.

#### 12 FOURTH CAUSE FOR DISCIPLINE

13 (Gross Negligence— Causing Harm to Patients)

14 52. Respondent's license is subject to disciplinary action under Business and Professions  
15 Code sections 2936, and 2960, subdivisions (h), (i) and (j), APA Code of Ethics Principle A, and  
16 APA Code of Ethics section 3.04, in that she caused harm to her patients. The circumstances are  
17 as follows:

18 53. Complainant realleges paragraphs 26 through 51, and those paragraphs are  
19 incorporated by reference as if fully set forth herein.

20 54. During Respondent's treatment of D.M., D.M.'s wife stated that her husband became  
21 "very anxious and stressed" when he left home and it was "very stressful" to have to wait for Dr.  
22 Kelly when she was often late for appointments. On occasion, D.M. would wait anywhere from  
23 30 to 45 minutes to be seen by Respondent. In addition as previously alleged, D.M. overheard  
24 Respondent tell another patient that D.M. was not his "poster child," and he concluded that he  
25 was "not a good patient."

26 55. In 2010, during the treatment of patient J.D., Respondent repeatedly brought up  
27 financial issues involving a patient named M.S. with J.D. J.D. did not want to discuss M.S. and  
28 informed Respondent that he did not wish to discuss M.S. Respondent was "relentless" on

1 bringing patient M.S. up despite J.D. specifically requesting that Respondent not discuss M.S.  
2 with him during treatment sessions. Patient J.D. remarked that it was common following his  
3 treatment sessions to feel, "destroyed and beat-up". Patient J.D. also stated that Respondent was  
4 "always late" for his sessions and that he often was forced to wait 30 minutes for their 30 to 45  
5 minute sessions to begin.

6 56. Respondent's license is subject to disciplinary action under Business and Professions  
7 Code sections 2936, and 2960, subdivisions (h), (i) and (j), APA Code of Ethics Principle A, and  
8 APA Code of Ethics section 3.04, in that she caused harm to her patients.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 (Gross Negligence - Inadequate Record Keeping)

11 57. Respondent is subject to disciplinary action under Business and Professions Code  
12 sections 2936, and 2960, subdivisions (i), and (j), APA Code of Ethics sections 3.06, 3.08, 3.12,  
13 6.01, and 6.06, in that she committed gross negligence during the care and treatment of her  
14 patients D.M. and J.D. by failing to keep adequate records. The circumstances are as follows:

15 58. Complainant realleges paragraphs 26 through 56, and those paragraphs are  
16 incorporated by reference as if fully set forth herein.

17 ~~59. Between 2010 and 2013, Respondent failed to adequately keep patient records for~~  
18 patient D.M. Respondent's patient records for patient D.M. end on October 24, 2012, but she  
19 continued billing until February 7, 2013. Respondent provided three billing forms that detailed  
20 the nature of the services provided to D.M. The progress notes fail to mention that D.M. received  
21 equine therapy and whether it was successful. The progress notes that were created do not match  
22 the dates that Respondent billed his insurance. Respondent's progress notes in D.M.'s case fail to  
23 adequately provide a subsequent provider with any details related to his illness, treatment, and  
24 status. Respondent billed for a total of 282 sessions with patient D.M. but Respondent only  
25 authored 47 progress notes.<sup>5</sup>

26  
27  
28 <sup>5</sup> 17% of the 282 visits were documented.



1 duration of treatments, and what interventions were being performed. Respondent's Workers  
2 Compensation reports failed to provide meaningful forensic information.

3 65. Respondent is subject to disciplinary action under Business and Professions Code  
4 sections 2936, and 2960, subdivisions (i), and (j), APA Code of Ethics section 9.01, in that she  
5 committed gross negligence by failing to properly conduct forensic assessments of patients D.M.  
6 and J.D.

7 **SIXTH CAUSE FOR DISCIPLINE**

8 (Repeated Negligence Acts)

9 66. Respondent's license is subject to disciplinary action under section Business and  
10 Professions Code section 2960, subdivision (r), in that she committed repeated negligent acts  
11 during the treatment of patients J.V., T.V., D.M., and J.D. The circumstances are as follows:

12 67. Complainant realleges paragraphs 26 through 65, and those paragraphs are  
13 incorporated by reference as if fully set forth herein.

14 68. Respondent's license is subject to disciplinary action under Business and Professions  
15 Code 2960(r), in that she committed a disciplinary violation because she was repeatedly negligent  
16 as a psychologist while treating patient J.V., T.V., D.M., and J.D. for acts including, but not  
17 ~~limited to the following:~~

- 18 a. Respondent's repeatedly allowed fraudulent billing to be submitted to the  
19 Officer of Workers' Compensation Program for therapy sessions that were not  
20 provided to patients D.M. and J.D.;
- 21 b. Respondent shared confidential information about patients to other patients  
22 during therapy sessions;
- 23 c. Respondent failed to properly keep progress notes for patients D.M. and J.D.;
- 24 d. Respondent entered into impermissible multiple relationships with patients;
- 25 e. Respondent failed to provide adequate forensic reports.

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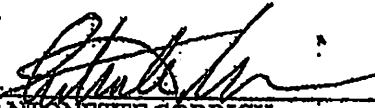
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Revoking or suspending Psychologist License Number PSY \_\_\_\_\_ issued to \_\_\_\_\_;
2. Ordering \_\_\_\_\_ to pay the Board of Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;
3. Taking such other and further action as deemed necessary and proper.

DATED: March 4, 2016

  
ANTONETTE SORRICK  
Executive Officer  
Board of Psychology  
Department of Consumer Affairs  
State of California  
Complainant

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**A. STEVEN FRANKEL, PH.D., J.D.**

ATTORNEY AT LAW

California Bar #192014 District Of Columbia Bar #1009135

A.B.P.P. DIPLOMATE IN CLINICAL & FORENSIC PSYCHOLOGY

California Licensed Psychologist # PSY3354

California Licensed Marriage & Family Therapist #3343 (Inactive)

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California Board of Behavioral Sciences

Presentation at the Meeting of the Board, March 3, 2018

**Nature of Presentation:** I am appearing in person at the Board's meeting to present a formal request that the Board agree not to publish an "Accusation" against a licensee who, after proper examination, is found to be suffering from a degenerative neuro-cognitive disorder (e.g., Alzheimer's; Senile Dementia, etc.), and who has been the subject of a complaint to the Board regarding inappropriate behavior.

In my role as defense counsel for health care professionals against whom complaints have been filed with a licensing board, alleging and describing inappropriate behavior, I have now represented two senior colleagues who were the subject of board complaints, and who, after competent examination, were found to be suffering from a degenerative, neuro-cognitive disorder, and whose licenses were revoked or surrendered.

While I have absolutely no disagreement with the revocation or surrender of such a licensee's right to practice, I have a strong and heartfelt opposition to the online publication of the "Accusation" against such licensees, with detailed descriptions of their demented physical and emotional behaviors. It is my belief that, after many years of safe, and, in many cases, sterling practices, the online "legacy" of these colleagues should not be to describe, in detail, inappropriate, and, in many cases, outrageous behaviors. In my view, none of us deserve such a legacy under those circumstances.

Further, I discussed expected numbers of people to be demented with Margaret Gatz Ph.D. a senior gero-psychologist colleague in the Psychology Department at USC, where I am a Clinical Professor. The most recent data indicate that at age 45, risk of developing dementia by age 85 is 11% in women and 8% in men. Lifetime risk is one in five for women and one in 1ten for men. We do not have data that address this issue for health care professionals, but rates should be somewhat lower than those for the general population, given high education and good health habits. At the same time, mental health practitioners often continue working into old age, which would increase chances of their becoming demented prior to retirement. Hence, this is an issue that is likely to affect substantial numbers of licensees.

I thus request that the Board see its way clear to accept a surrender of a license when such behavior is reported, with a classification as a "Retired" status. Since such a category of licensure cannot be modified as "active" without clear evidence that s/he is no longer

symptomatic, proper examinations should adequately demonstrate that such licensee not be reinstated with active licenses.

I also wish the Board members to know that I have engaged in a similar dialogue with the Board of Psychology, which appears to be taking the position that such an outcome as I am describing not be available for licensees whose behaviors have “harmed” patients/clients. My response to that position is that, while I more than appreciate that licensing boards are created to protect the public from being harmed by licensees, I am not trying to protect licensees from appropriate responses when they harm the public. Rather, while I am requesting that they not have Accusations filed against them posted online, I am in no way requesting that such colleagues be protected from civil actions for malpractice. Such actions would not and should not be foreclosed by my recommendation. To that end, I am also not asking that the information listed in formal Accusations not be written – just that they not be published online. In the event of a civil suit for malpractice, plaintiffs’ and respondents’ attorneys should have access to such information.

Again, and finally, I am appearing before the Board to request that, in cases in which licensees have acted inappropriately, and who have been subject to competent evaluation, their online record of licensure status be placed in the category of “retired.”

Thank you very much for the opportunity to meet with you in person, to discuss my proposal.

Sincerely,

A handwritten signature in black ink that reads "A. Steven Frankel". The signature is written in a cursive, slightly slanted style.

A. Steven Frankel, Ph.D., Esq.  
Clinical Professor of Psychology, USC  
Fellow, American Psychological Association



Board of Behavioral Sciences

# Memo

1625 North Market Blvd., Suite S-200  
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**To:** Board Members  
**From:** Kim Madsen  
Executive Officer  
**Date:** September 5, 2018  
**Telephone:** (916) 574-7841  
**Subject: Associates Paying for Supervision**

At the April 12, 2018 Policy and Advocacy Committee meeting, a committee member requested to discuss *Associates Paying for Supervision* at a future board meeting.

## Background

The topic of an associate paying for supervision is one that the Board has discussed on several occasions. Existing law is “silent” on this issue, meaning the law neither permits or prohibits this practice. Historically, associates paying for supervision is a practice within the mental health community as they attempt to earn their supervised work experience hours. An associate may pay for supervision to gain training and experience not available at their current work site or due to the absence of an onsite supervisor.

In the past several years, the Board has discussed this topic at least twice. During the October 2015 Supervision Committee meeting and subsequent committee meetings. Additionally, during the May 2016 Board meeting, Dr. Benjamin Caldwell gave a presentation that suggested that trainees were paying for supervision during their practicum. Dr. Caldwell indicated that this practice appeared to be limited to the Los Angeles area. The Board referred Dr. Caldwell’s concerns to the Exempt Committee for review.

## Research During the Supervision Committee

The work of the Supervision Committee included two surveys. One survey was specific to the supervisee and the other survey was for the supervisor to complete. Each survey included a question regarding payment for supervision. The results were presented during the March 3, 2015 meeting.

The survey results revealed a total number of 418 associates and 341 supervisors responded to the questions. The results are reflected in the charts below. The data suggests that most associates do not pay for supervision and that most supervisors do not charge for supervision. Based on this information as well as subsequent discussions during the committee meetings, the committee members and stakeholders expressed a preference for this practice to remain intact.

**SUPERVISEE (ASSOCIATE) SURVEY RESPONSE**

<b>Did you pay this supervisor?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Yes	12%	48
No	88%	370
<b>Responses</b>		<b>418</b>

**SUPERVISOR SURVEY RESPONSE**

<b>Have you ever charged for supervision?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Yes	32%	108
No	68%	233
<b>Responses</b>		<b>341</b>

Trainee Research

Board staff initiated a meeting with several agencies located in Southern California to inquire about trainees paying for supervision during their practicum. During this meeting, Board staff was informed that the fees paid to the agencies were for additional training that the associate might not otherwise receive.

The agencies stated that all associates are informed of the fees, the purpose of the fees, and available options for a reduced fee prior to accepting work at their respective agencies. Board staff reported their findings to the Exempt Committee members. The committee members determined a change in law was not necessary.

Discussion

Board staff is unaware of any new concerns regarding the practice of associates paying for supervision. It appears that in situations in which an associate or trainee is required to submit a fee, the associate or trainee is aware of this in advance and can make an informed decision.

Recommendation

Conduct an open discussion to determine if the Board desires any legislative change to the existing practice of associates paying for supervision.

**SUPERVISEE SURVEY RESPONSES**  
**March 23, 2015**

<b>What type of registration do you have? Select all that apply.</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Marriage and Family Therapist Intern	54%	105
Associate Clinical Social Worker	34%	66
Professional Counselor Intern	12%	24
<b>Responses</b>		<b>195</b>
There were seven respondents that had a dual registration. Six had a MFTI and a PCI registration. One had a ASW and PCI registration.		

<b>Is this your first registration?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Yes	90%	173
No, This is my 2nd	9%	19
No, This is my 3 <sup>rd</sup>	1%	3
<b>Responses</b>		<b>195</b>

<b>What were your reasons for needing a 2nd or 3rd registration?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
For employment purposes.	26%	6
I was unable to gain all of my hours in 6 years.	35%	8
Other	49%	8
<b>Responses</b>		<b>20</b>

<b>Sampling of comments to question. (8 comments total)</b>	
<b>1</b>	To maintain my intern status while preparing for or taking exam and maintaining employment.
<b>2</b>	Difficult to find a supervisor or working part time to obtain hours.
<b>3</b>	I was unable to attain a supervisor with the necessary requirements to sign off on hours I had accrued over the past 10 years.

<b>Approximately how many supervised hours have you gained?</b>		
	<b>Response Average</b>	<b>Response Count</b>
Clinical	1,587	195
Non-Clinical	946	151

<b>What has been the approximate client mix of your supervised experience?</b>						
	<b>N/A</b>	<b>1-25%</b>	<b>25 - 50%</b>	<b>50 - 75%</b>	<b>75 - 100%</b>	<b>Response Count</b>
Adult Individual	10	42	42	48	34	173
Groups	26	89	29	12	5	160
Couples	41	75	22	3	0	139
Children/Adolescents	17	51	37	36	28	168
Families	17	96	26	17	7	161
Other	43	16	1	1	1	62
Please Specify Other						11
<b>Other responses included telemedicine, advocacy, elder adults and administrative.</b>						

<b>What has been your weekly average caseload?</b>		
	<b>Response Average</b>	<b>Response Count</b>
Cases Per Week	15	195
<b>Responses ranged from 2 to 67 cases per week.</b>		

<b>How many supervisors do/did you have?</b>		
	<b>Response Percentage</b>	<b>Response Count</b>
1	100%	195
2	60%	117
3	29%	57
4	14%	28
5	7%	13
6	3%	6
7	1%	2

<b>What type of license does your supervisor hold?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Marriage and Family Therapist	53%	233
Licensed Clinical Social Worker	33%	144
Licensed Professional Clinical Counselor	2%	10
Psychologist	11%	46
Board Certified Psychiatrist	1%	3
<b>Responses</b>		<b>436</b>

<b>What type of Supervision did you receive from this supervisor?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Individual	37%	153
Group	17%	73
Both	46%	194
<b>Responses</b>		<b>420</b>

<b>How many hours have you gained under this supervisor in the following settings?</b>		
	<b>Response Average</b>	<b>Response Count</b>
Private Practice	332	78
Governmental Entity	634	98
Public Non-Profit Agency	777	205
Other Community Agency	621	73
Medical Facility	403	58
School, College or University	381	76
Other	174	33
<b>Responses</b>		<b>621</b>

<b>Where did the supervision take place? Select all that apply.</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Onsite	78%	369
Offsite	18%	79
Videoconferencing	4%	12
<b>Responses</b>		<b>460</b>

<b>Did you pay this supervisor?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Yes	12%	48
No	88%	370
<b>Responses</b>		<b>418</b>

<b>Did the Supervisor provide regular weekly feedback?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Yes	81%	366
No	19%	52
<b>Responses</b>		<b>418</b>

<b>Did your supervisor ask you for feedback on their supervision?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Yes	51%	213
No	49%	206
<b>Responses</b>		<b>418</b>

<b>What methods of supervision did this supervisor use? Select all that apply.</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Report by Supervisee	92%	386
Direct Observation	22%	92
Review of Case Notes	62%	261
Audio or Video Tape	17%	71
Co-Therapy	12%	49
Other (please specify)	8%	33
<b>Responses</b>		<b>418</b>
<b>Other responses included case presentation, case consultation, role play, and report from other employees.</b>		



**Did your supervisor regularly discuss the following? Select all that apply.**

	Response Percent	Response Count
Your Strengths	78%	313
Areas of Growth	79%	317
Setting Supervision Goals	51%	202
Achievement of Supervision Goals	41%	165
Legal and Ethical Issues	85%	340
Cultural Diversity	64%	255
<b>Responses</b>		<b>399</b>

**How satisfied were you with the quality of this supervision?**

	Response Percent	Response Count
Dissatisfied	10%	42
Somewhat Dissatisfied	12%	51
Satisfied	39%	161
Completely Satisfied	39%	162
<b>Responses</b>		<b>416</b>

**Sampling of comments to question (143 comments total)**

**Dissatisfied**

1	Didn't get to talk much about the cases since we often got interrupted.
2	Didn't learn any clinical skills. I felt it was a waste of time.
3	I felt I needed more guidance in some areas
4	Gave more time to some than others. Difficult to arrange consistent time.
5	It was a group but supervisor was not very engaging.
6	The supervisor charged me for the assessments of clients, although she did not show me results or explain the process. The supervisor asked me to contact insurance company's and ask for case by case agreements. The supervisor asked that I only take cash, after the clients were told their insurance companies were approved by billing.
7	Supervisor was overloaded with responsibilities and work, making supervision with me individually a low priority. We still met regularly but our meetings did not meet my expectations and I did not feel as though I was learning or benefitting in my early career development from our time together in any way.
8	Supervision sessions did not help me develop the goals I have set. At times, supervision was used to discuss work related issues such as performance evaluations, work load, staff changes etc. At times, supervisor talked about herself & her personal problems. I did not have a lot of respect for my supervisor as she was more focused on achieving organizational goals vs advocating for clients or respecting their self-determination. Supervisor also did not back me up when issues arise with other interdisciplinary team members, instead just told me to let it go. Thus, I did not value her supervision advice.

9	I felt my supervisor was so much into the therapy; he neglected to pay attention to details such as the law and ethics. They are touched upon, yes, but I feel as though I'm asking more questions, therefore, he does answer them. Not enough initiative on his part.
10	Supervisor was non-empathetic toward clients, indirectly (no client contact). Supervisor used axis 2 diagnoses as labels in seemingly spiteful or at least minimizing manner. Supervisor was quick to answer questions which could have been left for supervisees to give a go first. Supervisor used hostile augmentation fallacies when faced with differing opinions (red herring, straw man, false duality, etc). Supervisees turned to each other for advice as to how to contain supervisor or at least navigate the less than ideal situation until hours have been met. In short some training is needed on how to use clinical skills (such as motivational interviewing and humanistic rapport building) to lead instead of traditional "my way or the highway", confrontational/authoritarian style. Supervisors should know that they too are being graded for accountability.
11	I didn't feel like I got feedback and instead just had my cases listened to. There was very little on how I could grow professionally or do things differently.
12	Supervision focused on administrative aspects and not necessarily challenges faced by supervisee.
13	She lacked clinical expertise. Additionally, she was not updated on current laws within the state of California.
14	None of my supervisors have worked from evidence-based practices, based interventions in consistent theoretical basis, nor used Socratic questioning.
15	Supervisor was too busy to be concerned about my needs. Felt like she relied on me for financial support. I decided to change supervisors to find someone who was truly invested in my growth as a therapist and not her individual and financial needs.
16	Supervisor was not experienced with the population that I worked with, unable to provide teaching/feedback with the types of cases I was dealing with. Supervisor was unable to teach me or help me develop my clinical skills, she was not a very effective teacher
17	This supervisor tells us what we should have done or said rather than using questioning to both help us arrive at it ourselves, and model what we should be doing in therapy. I have exactly 8 minutes most weeks to talk about all my cases, my business and any issues I need help with.
<b>Satisfied</b>	
1	Clinically satisfied, but dissatisfied about how this supervisor ran business and how little she provided specific feedback for areas for improvement.
2	I felt I really had to dig to get the support and guidance I needed
3	She pathologized clients really quickly. She focused on reports we had to write for the agency way too much. She offered little help that was valuable.
4	I've only had one direct supervisor. I am satisfied with my supervision, but I also have some aspects I find to be missing.
5	The supervision experience has been satisfying. I do wish we did more work with treatment planning.
6	My supervisor is very well spoken and gives good advice. However, I believe it would be helpful if he discussed interventions to use while in therapy as opposed to discussing the end goal we want to reach with the client. Knowing the end goal is a must, however there is a lot of work that goes into getting to that goal and having approved interventions that are discussed individually and as a group would be beneficial to the therapist and the client.

7	The supervision was what i needed for where I was at at the time. Learning to be a therapist can be overwhelming with all of the demands on our time. While focusing on strengths, areas of growth goals etc. would have been helpful, I would not want an over-focus here as it would feel like one more thing to have to do while trying to hold it all together and meet the other demands on my time.
8	Feedback was mostly limited to correction of errors.
9	This supervisor was a kind and well intentioned individual but did not possess the very much experience as a therapist to be as helpful as I would have liked in terms of improving my own skills as a therapist.
10	My individual supervisor for my practicum experience was somewhat helpful/qualified to provide supervision but I would have preferred a supervisor with more experience, especially as a practicum student seeing clients for the first time while still in school. I was glad that I was also provided with weekly feedback from professors in my graduate program to supplement the supervision I got at my site. Additionally, this supervisor was only at my site 1-2/week so she was not as readily available or responsive to my needs.
<b>Completely Satisfied</b>	
1	Excellent teacher - very supportive and knowledgeable - really built up confidence of new therapists
2	My first supervisor was wonderful. She had the perfect mixture of listening and instructing. I left her supervision feeling empowered.
3	I felt supported and also challenged to be a better therapist.
4	She is a calm and understanding person- very positive, and has a sense of humor.
5	My supervisor offers a Jungian perspective to the work we do with clients. This has been a great experience.
6	My supervisor was supportive and encouraging. She often provided feedback about my strengths. I sometimes felt uncertain about how to improve.
7	Pertinent subject matter was well covered, supervision meetings were consistent, it was a good learning environment.
8	The supervisor was supportive and made constructive suggestions.
9	This supervisor was also a professor and cared deeply about each one of his supervisees. He trained us in a fantastic model and coached us through he whole process. We worked with a co-therapist.
10	Supervision focused on administrative aspects and not necessarily challenges faced by supervisee.
11	My supervisor has been my "rock" in hard times and my "champion" during good times. I am very satisfied with the support and encouragement I get from her.
12	He was wise and knowledgeable and challenged my personal beliefs in an effort to broaden my understanding of the clients of different cultures or experiences.
13	Supervisor was open to discussion, able to discuss cases in-depth, provide feedback/suggestions to improve my clinical work
14	This was one of my onsite supervisors who ran the counseling agency. He was very attuned and conscientious of this site being a good fit for trainees.
15	I appreciated the quality of this supervision because it exceeded beyond my needs. I appreciated the individual attention in a group setting, along with helpful information to apply to general and specific situations. The overall quality of this supervision was completely satisfying, especially because I was not satisfied with my other supervisor.
16	Supervisor was open to discussion, able to discuss cases in-depth, provide feedback/suggestions to improve my clinical work

**How satisfied were you with the responsiveness of your supervisor to your needs?**

	Response Percent	Response Count
Dissatisfied	10%	43
Somewhat Dissatisfied	10%	42
Satisfied	40%	165
Completely Satisfied	40%	166
<b>Responses</b>		<b>416</b>

**Sampling of comments to question (49 comments total)**

**Dissatisfied**

1	She did not respond to my needs, at all, ever. She was unreachable and always so late to supervision we never really had supervision.
2	This supervisor did not really supervise.
3	I would bring up what I needed and she would discuss what she thought I needed.
4	She was not available after the two hours of group supervision. She wasn't open to individual supervision nor phone calls. She made me feel like I was bugging her.
5	Not engaging. could not relate what he knows to my job
6	My supervisor often uses "lack of available time" in her schedule as a reason for not being able to meet my needs (e.g. more supervision or joint supervision on special cases).
7	often times, my supervisor just told me to let it go & to work within the system. She also did not support me when I had conflicts with other professionals.
8	she was way too busy ad spread thin supervising too many (over 30) trainees/interns.
9	I felt I couldn't be completely honest with my supervisor. I felt that if my views or thoughts conflicted with hers, she was not willing to listen. This created conflict with certain clients/cases.

**Satisfied**

1	My supervisor is mostly available, but sometimes I find that she is not approachable due to her mood.
2	My supervisor has given me invaluable suggestions and feedback in our discussions and review of audio tapes of my sessions. My supervisor is very busy, so occasionally I don't feel like I have quite as much attention as I'd like to answer my questions regarding NON-CLINICAL issues like administrative tasks, forms, etc
3	Sometimes hard to contact for phone consultation due to her busy schedule.
4	Supervisor was overloaded with responsibilities and work, making supervision with me individually a low priority. We still met regularly but our meetings did not meet my expectations and I did not feel as though I was learning or benefitting in my early career development from our time together in any way.
5	My supervisor is not entirely unresponsive to my needs, and perhaps this is unrealistic, but I wish she were more invested in my development into a more skilled clinician.
6	Supervision focused on administrative aspects and not necessarily challenges faced by supervisee

<b>Completely Satisfied</b>	
<b>1</b>	I was grateful that my supervisor was flexible regarding personal needs
<b>2</b>	All I had to do was ask and she would respond to whatever need I expressed.
<b>3</b>	They were quick to get back to me and support me through struggles.
<b>4</b>	My supervisor was available to answer questions, was supportive, and encouraging.
<b>5</b>	I felt highly supported by this supervisor. I felt like he would be there whenever I called and had a question and he was very present during our supervision sessions.
<b>6</b>	If there was an answer she didn't have she would find it
<b>7</b>	Very involved and responsive. Passionate about marriage and family therapy.
<b>8</b>	When I have explained what I need in terms of skills developments she helps me examine my assessment, and than to develop a plan to develop the skills we identify together as needing improvement.
<b>9</b>	If I had an issue, I knew it would always be "okay" or "safe" to bring it up.
<b>10</b>	My supervisor is available to me at a moment's notice in person, phone, or via email

<b>How satisfied were you with your supervisor's responsiveness when you were faced with a crisis?</b>		
	<b>Response Percent</b>	<b>Response Count</b>
Dissatisfied	8%	33
Somewhat Dissatisfied	7%	28
Satisfied	31%	131
Completely Satisfied	42%	177
N/A	12%	49
<b>Responses</b>		<b>418</b>

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Board of Behavioral Sciences

# Memo

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[www.bbs.ca.gov](http://www.bbs.ca.gov)

**To:** Board Members

**Date:** September 5, 2018

**From:** Kim Madsen  
Executive Officer

**Telephone:** (916) 574-7841

**Subject: Substance Abuse Coordination Committee Update**

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On June 27, 2018, the Substance Abuse Coordination Committee held its second meeting. The meeting included presentations regarding drug testing methodologies, an overview of the traditional probation process and contracted diversion programs. The committee also reviewed the key components of Uniform Standard #4 and discussed potential revisions.

The committee approved a revision to the language addressing vacations and absences. Incorporating these revisions will require the Boards to initiate the rulemaking process.

The next meeting date is pending.

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**To:** Board Members

**Date:** September 5, 2018

**From:** Christy Berger  
Regulatory Analyst

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

**Subject: Exempt Setting Committee Update**

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The sixth meeting of the Exempt Setting Committee was held on June 8, 2018. During this meeting, the following topics were discussed:

#### Practice Setting Definitions

The Committee had previously directed staff to revise existing practice setting definitions, and to create new definitions to include settings not currently defined. The purpose of the new and revised definitions are to:

- To clarify which types of settings are acceptable for students in practicum who intend to pursue licensure; and,
- To strengthen consumer protection in settings whose employees are exempt from Board of Behavioral Sciences' licensure and registration requirements ("exempt settings").

Staff presented draft definitions for initial review. The Committee and stakeholders provided feedback regarding revisions for consideration at the next meeting.

#### Registrant Employment by Temporary Staffing Agencies

The Committee had previously considered draft language that addresses registrants who are employed by a temporary staffing agency, which is often used by the Veteran's Administration (VA). Current law does not address a temporary agency as an employer, and certain provisions of existing law regarding employment of registrants are a poor fit for this situation. Staff presented revised language and received additional feedback from the Committee and stakeholders regarding revisions for consideration at the next meeting.

#### Consumer and Student Outreach Efforts

The Committee recommended efforts be made to better inform consumers about important qualities to look for when seeking mental health services in all types of settings, with a focus on exempt settings. This may include precautions for consumers, as well as explaining the characteristics of a competent therapist and/or therapy setting.

In addition, the Committee considered methods to help students be better informed about issues pertaining to practicum placement settings. The Committee recommended that staff increase its outreach efforts to students, such as providing student handbooks that contain information about what to look for when selecting a practicum site (e.g., effective supervision, quality learning/training opportunities, exposure to a spectrum of clients/experiences).

The next Exempt Setting Committee is scheduled for September 12, 2018 in Sacramento.

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**To:** Board Members **Date:** September 6, 2018  
**From:** Rosanne Helms **Telephone:** (916) 574-7897  
Legislative Analyst  
**Subject:** **Presentation: Overview of Licensed Mental Health Service Provider Education Program**

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The Licensed Mental Health Service Provider Education Program is a competitive loan repayment grant program administered by the Health Professions Education Foundation, which is a part of the the Office of Statewide Health Planning and Development (OSHPD).

Upon license renewal, the Board's marriage and family therapists (LMFTs), clinical social workers (LCSWs), and professional clinical counselors (LPCCs) each pay \$20 into the program as part of their renewal fee. (Licensed educational psychologists (LEPs) do not currently pay into, and are not eligible to benefit from, the program.)

The \$20 fee is collected from each renewing licensee by the Department of Consumer Affairs (DCA) and is then transferred to OSHPD for use in the grant program. A licensed mental health service provider who provides direct patient care in a publicly funded facility or a mental health professional shortage area may apply for grants under this program to reimburse educational loans related to a career as a licensed mental health service provider. Eligible license types are as follows:

- Registered or Licensed Psychologist
- Postdoctoral Psychological Assistant
- Postdoctoral Psychological Trainee
- Registered or Licensed Marriage and Family Therapist
- Registered or Licensed Clinical Social Worker
- Registered or Licensed Professional Clinical Counselor

Because licensees renew every other year, the amount of fee revenue collected each year will vary depending on the number of licensees renewing that year:

- In Fiscal Year 2014-2015, \$316,700 was collected.
- In Fiscal Year 2015-2016, \$247,500 was collected.
- In Fiscal Year 2016-2017, \$249,000 was collected.

These amounts represent revenues collected from LMFT, LPCC, and LCSW licensees, but not licensed psychologists, who also pay into the fund.

The Licensed Mental Health Service Provider Education Program generated a significant amount of interest at the Legislature this year, when two bills were introduced that proposed modifications to the fund:

- AB 2608 (Stone) would create a separate fund within the grant program for former foster youth. However, a funding source must be approved by the Legislature and has not been identified at this time.
- AB 2143 (Caballero) proposes allowing psychiatric mental health nurse practitioners and physician assistants, who work in a qualifying psychiatric mental health setting and who also hold a license with this Board, to be eligible to use the grant funds to pay for their education in those fields.

Both AB 2608 and AB 2143 are currently enrolled and are awaiting a decision by the Governor.

Due to the increased interest in the program by the Legislature this session, and because we have many new Board members, we have invited Norlyn Asprec, Executive Director of the Health Professions Education Foundation at OSHPD, to provide an overview of the grant program.

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**To:** Board Members **Date:** September 6, 2018  
**From:** Rosanne Helms **Telephone:** (916) 574-7897  
Legislative Analyst  
**Subject: Proposed License Portability Language: LPCC Out-of-State Applicants**

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### **Background**

The Board's License Portability Committee was established to examine ways to promote portability of licensure across state lines. The Committee held three meetings between November 2017 and June 2018. The proposed language developed by the Committee is shown in **Attachment A**.

### **Proposed License Portability Language**

Under the proposal, the Board may issue an LPCC license to a person who holds a license in another jurisdiction of the U.S. as a professional clinical counselor at the highest level for independent clinical practice, if they meet all the following:

- The license has been current, active, and unrestricted for at least 2 years immediately prior to the date the application was received by the Board.
- The qualifying degree is a master's or doctoral degree that was obtained from an accredited or approved school.
- The applicant submits fingerprints.
- The applicant completes a 12-hour California law and ethics course.
- The applicant completes 15 hours of coursework in California Cultures.
- The applicant completes at least a 7-hour child abuse assessment and reporting course. (This course must include coursework covering the Child Abuse and Neglect Reporting Act, which is specific to California.)
- On or after January 1, 2021, the applicant shows proof completing at least 6 hours of coursework or supervised experience in suicide risk assessment and intervention.

- The applicant passes the Board's California law and ethics exam. (Passage of the clinical exam for applicants qualifying for a license under this method is not required, and language was recently added to state this specifically.)

LPCCs who were licensed in another state that permits LPCC treatment of couples and families may continue to do so upon licensure in California, if they complete at least 6 hours of continuing education coursework specific to marriage and family therapy in each renewal cycle. If the other state of licensure does not permit LPCC treatment of couples and families, then the licensee would need to meet the full requirements for LPCCs to treat couples and families, as specified in Business and Professions Code (BPC) §4999.20.

### **Additional Technical Amendments**

Additional, more technical amendments to the language are as follows:

- For consistency, this proposal reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee.
- Two topic areas were added to the 12-hour California law and ethics coursework, for consistency with the requirement in LMFT and LCSW law. The two added topic areas are as follows:
  - Differences in legal and ethical standards in different types of work settings; and
  - Licensing law and licensing process.
- Additions to §4999.61: This section previously only applied to those who do not hold a license, but it has been amended to also apply to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4999.60 (the portability option) for other reasons. Now that license holders are also included in this section, two provisions needed to be added:
  - The provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum; and
  - The provision allowing an active and in good standing licensee or registrant of another state to use his or her qualifying clinical exam score to count for this state's clinical exam requirement, if they have already passed the clinical exam that this Board accepts.
- Additions to §4999.62: Like §4999.61, this section previously applied only to non-licensed individuals, but has been amended to also apply to certain licensed individuals. Licensed individuals were previously allowed to remediate the practicum requirement. The License Portability Committee recommended that the practicum requirement be waived for out-of-state license holders in good standing. The Committee also approved an amendment that allowed licensees applying under this section to remediate up to the allowable six core content areas (except California law and ethics, and assessment and diagnosis) while registered as an associate.

## **Policy and Advocacy Committee Recommendation**

The Board's Policy and Advocacy Committee reviewed the proposed language at its August 24, 2018 meeting. It requested the following changes, and directed staff to present the language to the full Board for consideration as a legislative proposal:

- 1. Remove 6-hour principles of mental health recovery-oriented care coursework requirement in first license renewal period.** Although this had been included in the original proposal, the Policy and Advocacy Committee determined that licensed individuals applying under the license portability option (§4999.60) would likely either have had some exposure to this content, or employers would provide the training if needed for the job.
- 2. Add Child Abuse Course Content.** While the purpose of the proposed language is to assume those licensed at least two years in another state have the relevant coursework and experience, BPC §28 (**Attachment B**) requires BBS applicants to have knowledge of the Child Abuse and Neglect Reporting Act (CANRA), which is specific to California. Therefore, the Policy and Advocacy Committee requested that the 7-hour child abuse content be added as a requirement for the portability option (§4999.60).
- 3. Acceptable Licenses for LPCC Portability.** Previously, to be able to apply for a license under the portability option, the proposed language required licensure as a "professional clinical mental health counselor at the highest level for independent practice".

However, there was some concern that the title needed to be tightened further. The Policy and Advocacy Committee recommended that the acceptable license instead be a "professional clinical counselor at the highest level for independent clinical practice."

This language has also been added to the practicum exemption (§4999.62(b)(1)(C)) and the option for out-of-state applicants not qualifying for portability to remediate core content areas while registered as an associate (§4999.62(b)(6))

- 4. Suicide Risk Assessment and Intervention.** If AB 1436 is signed into law this fall, it will require all new applicants (beginning 1/1/2021) to show proof of completion of six hours of coursework or experience in suicide risk assessment and intervention. Therefore, references to this requirement have been added for all out-of-state applicants.

## **Recommendation**

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

Direct staff to also submit the proposed language to DCA Legal for final review, and if Legal recommends any substantive changes, bring back to the November Board meeting.

## **Attachments**

**Attachment A:** Proposed Language – LPCC

**Attachment B:** BPC §28 – Child Abuse Assessment and Reporting Coursework Requirement

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**ATTACHMENT A  
PROPOSED LANGUAGE – LPCC**

**§4999.40. DEGREE GRANTING PROGRAMS; NOTIFICATION OF QUALIFICATION TO STUDENTS; EQUIVALENT EDUCATION AND TRAINING GAINED OUTSIDE THE UNITED STATES**

- (a) Each educational institution preparing applicants to qualify for licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Section 4999.32 or 4999.33 and shall certify to the board that it has so notified its students.
  
- (b) An applicant for registration or licensure shall submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and any associated coursework completed by the applicant does one of the following:
  - (1) Meets all of the requirements set forth in Section 4999.32.
  - (2) Meets all of the requirements set forth in Section 4999.33.
  
- (c) An applicant trained at an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from an institution of higher education that is accredited or approved. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services and shall provide any other documentation the board deems necessary.

**§4999.60. OUT-OF-STATE LICENSEE; APPLICATION FOR A LICENSE**

- (a) 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 license in another jurisdiction of the United States as a professional clinical counselor at the highest level for independent clinical practice. Issuance of the license is conditioned upon meeting all of the following requirements:
  - 1. The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board's discretion.
  
  - 2. The applicant's degree that qualified him or her for the out-of-state license is a master's or doctoral degree that was obtained from an accredited or approved institution, as defined in Section 4999.12.

3. The applicant complies with the fingerprint requirements established by Section 144.
  4. The applicant completes the following coursework 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 these requirements:
    - i. A minimum of 12 hours of coursework 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, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and licensing process.
    - ii. 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. The applicant obtains a minimum of 7 contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.
  6. On or after January 1, 2021, the applicant shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4999.66.
  7. The applicant passes the board-administered California law and ethics examination. The clinical examination shall be waived for an applicant qualifying under this section.
- (b) An applicant issued a license pursuant to this section shall be permitted to treat couples or families, if he or she meets one of the following:
1. (A) The scope of the license held in the other state permitted treatment of couples and families without restrictions or additional coursework; and  
(B) The licensee completes a minimum of 6 hours of continuing education specific to marriage and family therapy in each renewal cycle.
  2. The licensee completes the requirements to treat couples or families specified in paragraph (3) of subsection (a) of Section 4999.20.

- ~~(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 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.~~

#### **§4999.61. EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA; 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, who do not qualify for a license under Section 4999.60.~~
- (b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4999.62, and the applicant complies with subdivision (c) of Section 4999.40, if applicable.
- (c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter. If the applicant has less than 3,000 hours of qualifying supervised

experience, the amount of time the applicant held an active license in good standing in another state or country as a professional clinical counselor at the highest level for independent clinical practice shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(d) An applicant who obtained his or her license or registration under another state or country may apply 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 state or country 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.

#### **§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~~ qualify for a license under 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 practicum, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

i. An out-of-state applicant who holds a valid license in good standing in another state or country as a professional clinical counselor at the highest level for independent clinical practice is exempt from the practicum requirement.

- (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 (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~~ a 12-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, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and licensing process. 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. 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 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.
- (6) An applicant who holds a valid license in good standing in another state or country as a professional clinical counselor at the highest level for independent clinical practice may complete any units and course content requirements required by subparagraph (D) of paragraph (1) not already completed in his or her education, while registered as an associate, unless otherwise specified.
- (7) On or after January 1, 2021, an applicant for licensure shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4999.66.

**§4999.63.**

- (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 practicum, 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 practicum 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.

~~(H) 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.~~

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**ATTACHMENT B**  
**BUSINESS & PROFESSIONS CODE §28**  
**CHILD ABUSE ASSESSMENT AND REPORTING COURSEWORK REQUIREMENT**

**§28. TRAINING FOR CHILD, ELDER AND DEPENDENT ADULT ABUSE ASSESSMENT AND REPORTING; LICENSING PREREQUISITES**

- (a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with victims and potential victims of child, elder, and dependent adult abuse, and abusers and potential abusers of children, elders, and dependent adults are provided with adequate and appropriate training regarding the assessment and reporting of child, elder, and dependent adult abuse that will ameliorate, reduce, and eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.
- (b) The Board of Psychology and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist. This training shall be required one time only for all persons applying for initial licensure or for licensure renewal.
- (c) All persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:
- (1) Be obtained from one of the following sources:
- (A) An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.
- (B) A continuing education provider as specified by the responsible board by regulation.
- (C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the responsible board.
- (2) Have a minimum of seven contact hours.
- (3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

- (4) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.
- (d) The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in his or her practice because of the nature of that practice.
- (e) It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist have minimal but appropriate training in the areas of child, elder, and dependent adult abuse assessment and reporting. It is not intended that, by solely complying with this section, a practitioner is fully trained in the subject of treatment of child, elder, and dependent adult abuse victims and abusers.
- (f) The Board of Psychology and the Board of Behavioral Sciences are encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure or license renewal.



- The applicant passes the Board’s California law and ethics exam. (Passage of the clinical exam for applicants qualifying for a license under this method is not required, and language was recently added to state this specifically.)

**Additional Technical Amendments**

Additional, more technical amendments to the language are as follows:

- Definitions of “accredited” and “approved” schools were added to the general definitions for the LMFT licensing law, located in BPC §4980.03. Similar definitions already exist in LPCC licensing law and allow for easy reference to the definitions. It should be noted that the LMFT definition of “accredited” includes COAMFTE accredited institutions.
- For consistency, this proposal reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee.
- Additions to §4980.74: This section previously only applied to those who do not hold a license, but it has been amended to also apply to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4980.72 for other reasons. Now that license holders are also included in this section, two provisions need to be added:
  - The provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum; and
  - The provision allowing an active and in good standing licensee or registrant of another state or country to use his or her qualifying clinical exam score to count for this state’s clinical exam requirement, if they have already passed the clinical exam that this Board accepts. (For LMFT statute, this is a placeholder for if/when the Board elects to accept the national MFT examination.)
- Additions to §4980.78: Like §4980.74, this section previously applied only to non-licensed individuals, but has been amended to also apply to certain licensed individuals. Individuals licensed less than 2 years were previously allowed to remediate the practicum requirement. At its last meeting, the License Portability Committee recommended that the practicum requirement be waived for out-of-state license holders in good standing.

**Policy and Advocacy Committee Recommendation**

The Board’s Policy and Advocacy Committee reviewed the proposed language at its August 24, 2018 meeting. It requested the following changes and directed staff to present the language to the full Board for consideration as a legislative proposal.

1. **Remove 6-hour principles of mental health recovery-oriented care coursework requirement in first license renewal period.** Although this had been included in the original proposal, the Policy and Advocacy Committee determined that licensed individuals applying under the license portability option (§4980.72) would likely either

have had some exposure to this content, or employers would provide the training if needed for the job.

2. **Add Child Abuse Course Content.** While the purpose of the proposed language is to assume those licensed at least two years in another state have the relevant coursework and experience, BPC §28 requires BBS applicants to have knowledge of the Child Abuse and Neglect Reporting Act (CANRA), which is specific to California. Therefore, the Policy and Advocacy Committee requested that the 7-hour child abuse content be added as a requirement for the portability option (§4980.72).
3. **Suicide Risk Assessment and Intervention.** If AB 1436 is signed into law this fall, it will require all new applicants (beginning 1/1/2021) to show proof of completion of six hours of coursework or experience in suicide risk assessment and intervention. Therefore, references to this requirement have been added for all out-of-state applicants.

### **Recommendation**

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

Direct staff to also submit the proposed language to DCA Legal for final review, and if Legal recommends any substantive changes, bring back to the November Board meeting.

### **Attachments**

**Attachment A:** Proposed Language – LMFT

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**ATTACHMENT A**  
**PROPOSED LANGUAGE – LMFT**

**§4980.03. DEFINITIONS.**

- (a) “Board,” as used in this chapter, means the Board of Behavioral Sciences.
- (b) “Intern,” as used in this chapter, means an unlicensed person who has earned his or her master’s or doctoral degree qualifying him or her for licensure and is registered with the board.
- (c) “Trainee,” as used in this chapter, means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.
- (d) “Applicant,” as used in this chapter, means an unlicensed person who has completed a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, and whose application for registration as an intern is pending, or an unlicensed person who has completed the requirements for licensure as specified in this chapter, is no longer registered with the board as an intern, and is currently in the examination process.
- (e) “Advertise,” as used in this chapter, includes, but is not limited to, any public communication, as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.
- (f) “Experience,” as used in this chapter, means experience in interpersonal relationships, psychotherapy, marriage and family therapy, direct counseling, and nonclinical practice that satisfies the requirements for licensure as a marriage and family therapist pursuant to Section 4980.40.
- (g) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:
  - (1) Has been licensed by a state regulatory agency for at least two years as a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.
  - (2) If a licensed professional clinical counselor, the individual shall meet the additional training and education requirements specified in paragraph (3) of subdivision (a) of Section 4999.20.
  - (3) Has not provided therapeutic services to the trainee or intern.

- (4) Has a current and valid license that is not under suspension or probation.
- (5) Complies with supervision requirements established by this chapter and by board regulations.
- (h) "Client centered advocacy," as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.
- (i) "Accredited" means a school, college, or university accredited by either the Commission on Accreditation for Marriage and Family Therapy Education, or a regional or national institutional accrediting agency that is recognized by the United States Department of Education.
- (j) "Approved" means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant's graduation from the school, college, or university.

#### **§4980.72. RECIPROCITY; EQUIVALENT REQUIREMENTS**

- ~~(a) This section applies to a person who is licensed outside of California and applies for licensure on or after January 1, 2016.~~
- ~~(b)~~ (a) 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: license in another jurisdiction of the United States as a marriage and family therapist at the highest level for independent clinical practice. Issuance of the license is conditioned upon meeting all of the following requirements:
  - 1. The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board's discretion.
  - 2. The applicant's degree that qualified him or her for the out-of-state license is a master's or doctoral degree that was obtained from an accredited or approved institution, as defined in Section 4980.03.
  - 3. The applicant complies with the fingerprint requirements established by Section 144.
  - 4. The applicant completes the following coursework from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy these requirements:

- i. A minimum of 12 hours of coursework 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, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and licensing process.
  - ii. 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. The applicant obtains a minimum of 7 contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.
  6. On or after January 1, 2021, the applicant shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4980.396.
  7. The applicant passes the board-administered California law and ethics examination. The clinical examination shall be waived for an applicant qualifying under this section.
- ~~(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 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.~~

#### **§4980.74. EXPERIENCE AND EDUCATION GAINED 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 and do not qualify for a license under Section 4980.72.~~

(b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4980.78, and the applicant complies with Section 4980.76, if applicable. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter. If the applicant has less than 3,000 hours of qualifying supervised experience, the amount of time the applicant held an active license in good standing in another state or country as a marriage and family therapist at the highest level for independent clinical practice shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(d) An applicant who obtained his or her license or registration under another state or country may apply 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 state or country 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.

#### **§4980.76. DEGREE OBTAINED OUTSIDE OF THE UNITED STATES**

An applicant for licensure or registration with a degree obtained from an educational institution outside the United States shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.

**§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~~ qualify for a license under 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~~ from an accredited or approved institution, as defined in Section 4980.03, 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~~ associate.
- (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 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 holds a valid license in good standing in another state or country as a marriage and therapist at the highest level for independent clinical practice is exempt from the practicum requirement.
- (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~~ a 12-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 the application of legal and ethical standards in different types of work settings, and licensing law and licensing process. The coursework may be from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54.](#) This coursework shall be completed prior to registration as an [internassociate](#).
- (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 [internassociate](#).
- (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 approved institution, as defined in Section 4980.03,](#) 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 approved institution, as defined in Section 4980.03,](#) 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 [internassociate](#), unless otherwise specified.

(6) On or after January 1, 2021, an applicant for licensure shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4980.396.

~~(67) The applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.~~

### **~~§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 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 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.~~

### **§4980.81. ADDITIONAL COURSEWORK REQUIREMENTS FOR OUT-OF-STATE APPLICANTS**

This section applies to persons subject to Section 4980.78, ~~or 4980.79~~, who apply for licensure or registration ~~on or after January 2016~~.

- (a) For purposes of Sections 4980.78 ~~and 4980.79~~, an applicant shall meet all of the following educational requirements:
- (1) A minimum of two semester units of instruction in the diagnosis, assessment, prognosis, and treatment of mental disorders, including severe mental disorders, evidence-based practices, and promising mental health practices that are evaluated in peer reviewed literature.
  - (2) At least one semester unit or 15 hours of instruction in psychological testing and at least one semester unit or 15 hours of instruction in psychopharmacology.
  - (3) (A) Developmental issues from infancy to old age, including demonstration of at least one semester unit, or 15 hours, of instruction that includes all of the following subjects:
    - (i) The effects of developmental issues on individuals, couples, and family relationships.
    - (ii) The psychological, psychotherapeutic, and health implications of developmental issues and their effects.
    - (iii) The understanding of the impact that personal and social insecurity, social stress, low educational levels, inadequate housing, and malnutrition have on human development.

- (B) An applicant who is deficient in any of these subjects may remediate the coursework by completing three hours of instruction in each deficient subject.
- (4) (A) The broad range of matters and life events that may arise within marriage and family relationships and within a variety of California cultures, including instruction in all of the following:
- (i) 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.
  - (ii) A minimum of 10 contact hours of coursework that includes all of the following:
    - (I) The assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.
    - (II) Aging and its biological, social, cognitive, and psychological aspects.
    - (III) Long-term care.
    - (IV) End-of-life and grief.
  - (iii) A minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.
  - (iv) Cultural factors relevant to abuse of partners and family members.
  - (v) Childbirth, child rearing, parenting, and stepparenting.
  - (vi) Marriage, divorce, and blended families.
  - (vii) Poverty and deprivation.
  - (viii) Financial and social stress.
  - (ix) Effects of trauma.
  - (x) The psychological, psychotherapeutic, community, and health implications of the matters and life events described in clauses (i) to (ix), inclusive.
- (5) At least one semester unit, or 15 hours, of instruction in multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability, and their incorporation into the psychotherapeutic process.
- (6) A minimum of 10 contact hours of training or coursework in human sexuality, as specified

in Section 25 and any regulations promulgated under that section, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.

- (7) A minimum of 15 contact hours of coursework in substance use disorders, and a minimum of 15 contact hours of coursework in cooccurring disorders and addiction. The following subjects shall be included in this coursework:
- (A) The definition of substance use disorders, cooccurring disorders, and addiction. For purposes of this subparagraph “cooccurring disorders” means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.
  - (B) Medical aspects of substance use disorders and cooccurring disorders.
  - (C) The effects of psychoactive drug use.
  - (D) Current theories of the etiology of substance abuse and addiction.
  - (E) The role of persons and systems that support or compound substance abuse and addiction.
  - (F) Major approaches to identification, evaluation, and treatment of substance use disorders, cooccurring disorders, and addiction, including, but not limited to, best practices.
  - (G) Legal aspects of substance abuse.
  - (H) Populations at risk with regard to substance use disorders and cooccurring disorders.
  - (I) Community resources offering screening, assessment, treatment, and followup for the affected person and family.
  - (J) Recognition of substance use disorders, cooccurring disorders, and addiction, and appropriate referral.
  - (K) The prevention of substance use disorders and addiction.
- (8) A minimum of a two semester or three quarter unit course in law and professional ethics for marriage and family therapists, including instruction in all of the following subjects:
- (A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.
  - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.

- (C) The current legal patterns and trends in the mental health professions.
- (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.
- (F) ~~Differences in~~The application of legal and ethical standards for different types of work settings.
- (G) Licensing law and licensing process.

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**To:** Board Members **Date:** September 6, 2018  
**From:** Rosanne Helms **Telephone:** (916) 574-7897  
Legislative Analyst  
**Subject: Proposed License Portability Language: LCSW Out-of-State Applicants**

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### **Background**

The Board's License Portability Committee was established to examine ways to promote portability of licensure across state lines. The Committee held three meetings between November 2017 and June 2018. The proposed language developed by the Committee is shown in **Attachment A**.

### **Proposed License Portability Language**

Under the proposal, the Board may issue an LCSW license to a person who holds a license in another jurisdiction of the U.S. as a clinical social worker at the highest level for independent practice, if they meet all the following:

- The license has been current, active, and unrestricted for at least 2 years immediately prior to the date the application was received by the Board.
- The qualifying degree is a master's or doctoral degree that was obtained from an accredited school or department of social work.
- The applicant submits fingerprints.
- The applicant completes a 12-hour California law and ethics course.
- The applicant completes 15 hours of coursework in California Cultures.
- The applicant completes at least a 7-hour child abuse assessment and reporting course. (This course must include coursework covering the Child Abuse and Neglect Reporting Act, which is specific to California.)
- On or after January 1, 2021, the applicant shows proof completing at least 6 hours of coursework or supervised experience in suicide risk assessment and intervention.

- The applicant passes the Board's California law and ethics exam. (Passage of the clinical exam for applicants qualifying for a license under this method is not required, and language was recently added to state this specifically.)

### **Additional Technical Amendments**

Additional, more technical amendments to the language are as follows:

- For consistency, this proposal reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee.
- Additions to §4996.17.2: This section has been amended to apply to those who do not hold a license; and also to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4996.17.1 for other reasons. The following provisions were included:
  - A provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum;
  - A requirement that out-of-state applicants not qualifying under the portability option (§4996.17.1) complete 10 contact hours of coursework in aging and long-term care, as specified in §4996.25 (**Attachment B**).
  - A requirement that all out-of-state applicants complete at least 15 hours of coursework in California cultures.

### **Policy and Advocacy Committee Recommendation**

The Board's Policy and Advocacy Committee reviewed the proposed language at its August 24, 2018 meeting. It requested the following changes, and directed staff to present the language to the full Board for consideration as a legislative proposal:

- 1. Remove 6-hour principles of mental health recovery-oriented care coursework requirement in first license renewal period.** Although this had been included in the original proposal, the Policy and Advocacy Committee determined that licensed individuals applying under the license portability option (§4996.17.1) would likely either have had some exposure to this content, or employers would provide the training if needed for the job.

In addition, in previous versions of the proposed language, a provision had been added requiring an out-of-state applicant not qualifying under the portability option to complete 45 hours of coursework in the principles of mental health recovery-oriented care. This is in line with coursework that out-of-state LMFT and LPCC applicants must currently take. However, after hearing concerns that the requirement would be overly-burdensome, and that social workers are already trained in this model of practice, the Policy and Advocacy Committee requested the requirement be removed.

- 2. Add Child Abuse Course Content.** While the purpose of the proposed language is to assume those licensed at least two years in another state have the relevant coursework

and experience, BPC §28 requires BBS applicants to have knowledge of the Child Abuse and Neglect Reporting Act (CANRA), which is specific to California. Therefore, the Policy and Advocacy Committee requested that the 7-hour child abuse content be added as a requirement for the portability option (§4996.17.1).

- 3. Suicide Risk Assessment and Intervention.** If AB 1436 is signed into law this fall, it will require all new applicants (beginning 1/1/2021) to show proof of completion of six hours of coursework or experience in suicide risk assessment and intervention. Therefore, references to this requirement have been added for all out-of-state applicants.

### **Recommendation**

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

Direct staff to also submit the proposed language to DCA Legal for final review, and if Legal recommends any substantive changes, bring back to the November Board meeting.

### **Attachments**

**Attachment A:** Proposed Language – LCSW

**Attachment B:** BPC §4996.25 – Aging and Long-Term Care Requirement for LCSW Applicants

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**Attachment A**  
**Proposed Language – LCSW**

**§4996.17.1. OUT-OF-STATE LICENSEES: ISSUANCE OF A LICENSE**

- (a) 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 license in another jurisdiction of the United States as a clinical social worker at the highest level for independent practice. Issuance of the license is conditioned upon meeting all of the following requirements:
1. The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board's discretion.
  2. The applicant's degree that qualified him or her for the out-of-state license is a master's degree from an accredited school or department of social work.
  3. The applicant complies with the fingerprint requirements established by Section 144.
  4. The applicant completes the following coursework from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy these requirements:
    - i. A minimum of 12 hours of coursework 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, the application of legal and ethical standards in different types of work settings, and licensing law and process.
    - ii. 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. The applicant obtains a minimum of 7 contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.
6. On or after January 1, 2021, the applicant shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4996.27.
7. The applicant passes the board-administered California law and ethics examination. The clinical examination shall be waived for an applicant qualifying under this section.

**§4996.17. §4996.17.2. ACCEPTANCE OF EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA**

- (a) This section applies to persons who apply for licensure or registration and who do not qualify for a license under Section 4996.17.1.
- ~~(a)~~ (b) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter. If the applicant has less than 3,000 hours of qualifying supervised experience, the amount of time the applicant held an active license in good standing in another state or country as a clinical social worker at the highest level for independent practice shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.
- ~~(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.~~
- (c) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the applicant has received a master's degree from an accredited school of social work, or complies with subdivision (g) of Section 4996.18.
- ~~(d)(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 In addition to the experience and education described in subsections (b) and (c) above, the person passes, or has passed, applicant shall pass, or have 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 as described in subdivision (b). ~~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~~ taken from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement. This coursework may be completed while registered as an associate, unless otherwise specified.
- (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.
- (E) A minimum of 10 contact hours of coursework in aging and long-term care, as specified in Section 4996.25.
- ~~(3E)~~ (3F) Commencing January 1, 2014, completion of ~~an 18-hour~~ 12-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 the~~ application of legal and ethical standards in different types of work settings, and licensing law and process. This coursework shall be completed prior to registration as an associate.
- (G) 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.
- (3) On or after January 1, 2021, an applicant for licensure shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4996.27.

- (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.~~

(de) An applicant who obtained his or her license or registration under another [jurisdiction state or country](#) may apply 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 state or country](#) 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.

#### **§4996.18. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION; EMPLOYMENT; SUPERVISION; CREDIT**

(a) A person who wishes to be credited with experience toward licensure requirements shall register with the board as an associate clinical social worker prior to obtaining that experience. The application shall be made on a form prescribed by the board.

(b) An applicant for registration shall satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work.

(2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.

(3) Commencing January 1, 2014, have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers; [The coursework shall be taken from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall](#)

not satisfy this requirement. The coursework shall including include instruction in all of the following areas of study:

- (A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.
  - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.
  - (C) The current legal patterns and trends in the mental health professions.
  - (D) The psychotherapist-patient privilege, confidentiality, dangerous patients, 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.
  - (F) Differences inThe application of legal and ethical standards for different types of work settings.
  - (G) Licensing law and process.
- (c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.
- (d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.
- (e) Any experience obtained under the supervision of a spouse or relative by blood or marriage 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 a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.
- (f) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply

retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

- (g) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. 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 evaluation or accreditation.
- (h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.
- (i) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

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**Attachment B**  
**BPC §4996.25**  
**Aging and Long-Term Care Requirement for LCSW Applicants**

**BPC §4996.25**

(a) Any applicant for licensure as a licensed clinical social worker who began graduate study on or after January 1, 2004, shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which could 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.

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**To:** Board Members **Date:** September 6, 2018  
**From:** Rosanne Helms **Telephone:** (916) 574-7897  
Legislative Analyst  
**Subject: Proposed New LMFT Degree Title**

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### **Summary**

The Board has been asked to consider adding a new degree title to those accepted for licensure as a marriage and family therapist (LMFT). The goal of the new title, "Clinical Mental Health Counseling with a concentration in Marriage, Family, and Child Counseling," would be to increase portability of licensure to other states (See letter, **Attachment A**).

### **Background**

The Board currently accepts doctoral or master's degrees with the following titles toward an LMFT license for in-state applicants (Business and Professions Code (BPC) §4980.36(b)) (**Attachment B**)

- Marriage, Family, and Child Counseling;
- Marriage and Family Therapy;
- Couple and Family Therapy;
- Psychology;
- Clinical Psychology;
- Counseling Psychology;
- Counseling with an emphasis in Marriage, Family, and Child Counseling; or
- Counseling with an emphasis in Marriage and Family Therapy

The university requesting the additional title, Argosy University, brings this issue to the Board's attention because of a problem they are having with their "Counseling Psychology" degree program. This degree, which is offered in California, prepares its students for both LMFT and LPCC licensure in California. However, it is not accepted toward licensure in many other states.

Argosy University notes that many states are requiring accreditation from the Council for Accreditation of Counseling & Related Educational Programs (CACREP). According to the "2016 CACREP Standards," degree specialty areas consist of the following (2016 CACREP Standards, Section 1, Part J) (**Attachment C**):

- Addiction Counseling;
- Clinical Mental Health Counseling;

- Clinical Rehabilitation Counseling;
- Marriage, Couple, and Family Counseling;
- Career Counseling;
- College Counseling and Student Affairs; and
- School Counseling

Therefore, the difficulty is, while an individual who wants to be dually licensed as an LMFT and an LPCC in California can obtain a degree in “Counseling Psychology” and become dually licensed in this state, if they decide to move to another state that requires CACREP accreditation for licensure, the degree title may not be acceptable for one or both licenses. The newly proposed license title will add a dual license track that is consistent with CACREP standards.

### **History**

The last time a new degree title was added to the list of those acceptable for LMFT licensure was in 2012, when the “Couple and Family Therapy” title was added via an omnibus bill (SB 943, Chapter 350, Statutes of 2011). At that time, a growing number of graduate programs nationwide had begun offering degrees in “Couple and Family Therapy.” The Board determined that adding the title would acknowledge the greater diversity of relationships with which LMFTs work.

### **Alternative Solutions and Other States**

As an alternative to naming specific degree titles in LMFT statute, the Board may wish to discuss if it would be preferable to allow a more general degree that contains a specific emphasis in marriage and family therapy. For example, to qualify for LPCC licensure, the degree must be “counseling or psychotherapy” in content and must meet the coursework requirements specified in law for LPCCs. LMFT out-of-state applicants currently do not have to apply with the specific degree title requirements.

This could, however, raise an issue like one that the Board has faced with LPCC applicants, that some individuals apply with degrees that are not intended to lead to licensure in that field.

Staff reviewed the LMFT degree requirements in Florida and Texas, which have the largest populations of LMFTs after California, and found the following:

**Florida:** An applicant must have a minimum of a master’s degree with major emphasis in marriage and family therapy, or a closely related field. (Florida Statute Title XXXII, §491.005(3)).

**Texas:** Texas allows several options for a degree to qualify for LMFT licensure (22 Texas Administrative Code, Chapter 801, §801.112-801.114):

- a) A master’s degree or doctorate degree in marriage and family therapy from an institution or program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE)
- b) A master’s degree or doctorate degree in marriage and family therapy from an institution or program accredited by accrediting bodies that are recognized by the

Council for Higher Education Accreditation (CHEA), but which are not accredited by COAMFTE, provided that the practicum is at least 9 credit hours or 12 months. If the practicum is not at least 9 credit hours or 12 months an applicant may be approved to take the licensing examination and may be issued an associate license upon successfully passing the examination. Prior to receiving a license as a marriage and family therapist, the applicant shall complete the pre-graduation practicum deficit in addition to the post-graduate supervised experience requirements consistent with the requirements in §801.142

- c) A master's degree or doctorate degree in a related mental health field with a planned course of study in marriage and family therapy as described in 801.113(d) and (e) with minimum course content as described in §801.114. (NOTE: §801.113 provides examples of degrees in a related mental health field as including counseling, psychology, social work, or family studies with an MFT emphasis.)

### **Policy and Advocacy Committee Recommendation**

The Board's Policy and Advocacy Committee discussed this issue at its August 24, 2018 meeting. It recommended that the Board consider adding the title "Clinical Mental Health Counseling with a concentration in Marriage, Family, and Child Counseling," to the list of degree titles acceptable for LMFT licensure for in-state applicants.

### **Recommendation**

Conduct an open discussion of whether the title "Clinical Mental Health Counseling with a concentration in Marriage, Family, and Child Counseling," should be added to the list of degree titles acceptable for LMFT licensure for in-state applicants. If the Board believes the title should be added, direct staff to pursue legislation to make the change.

### **Attachments**

**Attachment A:** Letter from Joffrey S. Suprina, PhD., LMHC, NCC; National Dean, College of Counseling, Psychology and Social Sciences, Argosy University. (March 14, 2018)

**Attachment B:** BPC §4980.36(b) – Current Degree Titles Accepted for LMFT Licensure (In-State)

**Attachment C:** 2016 CACREP Standards; Section 1: The Learning Environment; Part J

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ATTACHMENT A



March 14, 2018

Kim Madsen  
Executive Officer  
Board of Behavioral Sciences  
1625 North Market Blvd. Suite 200  
Sacramento, CA 95834

Dear Kim Madsen,

As we have discussed, I am requesting that the board consider revising the language for acceptable degrees eligible for the Marriage and Family Therapy license (LMFT) to include a Clinical Mental Health Counseling degree with a concentration in Marriage, Family and Child Counseling. At Argosy University, we have been looking for ways to increase the portability of degrees across states. Our Master of Arts in Counseling Psychology program currently offered in California is eligible for both the LPCC and LMFT licensure in California but is not eligible for those licensures in many other states. Additionally, as you are aware, more states are requiring CACREP accreditation for eligibility for licensure in their states. This places us in a catch 22 where what is accepted in California is not accepted in other states and what is accepted by many other states is limited in California. I'm sure you and the board do not want to disadvantage your residents who are required to relocate to other states. By revising the language of the law to accept a Master of Arts in Clinical Mental Health Counseling degree with a concentration in Marriage, Family and Child Counseling, you will fulfill the goals of the law (training in systems theory and MFT work) while opening the students to greater portability across states.

Let me know if I can be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Joffrey S. Suprina".

Joffrey S. Suprina, PhD. LMHC, NCC  
National Dean  
College of Counseling, Psychology and Social Sciences  
Argosy University  
941-554-1567

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**ATTACHMENT B**  
**Business and Professions Code (BPC) §4980.36(b)**  
**Current Degree Titles Accepted for LMFT Licensure (In-State)**

(b) To qualify for a license or registration, applicants shall possess a doctoral or master's degree meeting the requirements of this section 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 approved by the Bureau for Private Postsecondary Education, or accredited by either the Commission on Accreditation for Marriage and Family Therapy Education, or a regional or national institutional accrediting agency that is recognized by the United States Department of 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.

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## ATTACHMENT C

CACREP

## SECTION 1: THE LEARNING ENVIRONMENT

The following Standards apply to all entry-level and doctoral-level programs for which accreditation is being sought unless otherwise specified.

## THE INSTITUTION

- A. The academic unit is clearly identified as part of the institution's graduate degree offerings and has primary responsibility for the preparation of students in the program. If more than one academic unit has responsibility for the preparation of students in the program, the respective areas of responsibility and the relationships among and between them must be clearly documented.
- B. The institutional media accurately describe the academic unit, the core counselor education program faculty, and each program and specialty area offered, including admissions criteria, accreditation status, methods of instruction, minimum degree requirements, matriculation requirements, and financial aid information.
- C. The institution is committed to providing the program with sufficient financial support to ensure continuity, quality, and effectiveness in all of the program's learning environments.
- D. The institution provides opportunities for graduate assistantships for program students that are commensurate with graduate assistantship opportunities in other clinical programs in the institution.
- E. The institution provides support for counselor education program faculty to participate in professional activities, scholarly activities, and service to the profession.
- F. The institution provides learning resources appropriate for scholarly inquiry, study, and research relevant to counseling and accessible by all counselor education program faculty and students.
- G. The institution provides technical support to all counselor education program faculty and students to ensure access to information systems for learning, teaching, and research.
- H. The institution provides information to students in the program about personal counseling services provided by professionals other than counselor education program faculty and students.
- I. The institution provides adequate and appropriate access to counseling instruction environments (on or off campus) that are conducive to training and supervision of individual and group counseling. The counseling instruction environments include technologies and other observational capabilities as well as procedures for maintaining privacy and confidentiality.

## THE ACADEMIC UNIT

- J. Entry-level degree specialty areas in Addiction Counseling; Clinical Mental Health Counseling; Clinical Rehabilitation Counseling; and Marriage, Couple, and Family Counseling consist of approved, graduate-level study with a minimum of 60 semester credit hours or 90 quarter credit hours required of all students. Until June 30, 2020, Career Counseling, College Counseling and Student Affairs, and School Counseling specialty areas require a minimum of 48 semester hours or 72 quarter hours. Beginning July 1, 2020, all entry-level degree programs require a minimum of 60 semester credit hours or 90 quarter credit hours for all students.
- K. The academic unit makes continuous and systematic efforts to attract, enroll, and retain a diverse group of students and to create and support an inclusive learning community.
- L. Entry-level admission decision recommendations are made by the academic unit's selection committee and include consideration of each applicant's (1) relevance of career goals, (2) aptitude for graduate-level study, (3) potential success in forming effective counseling relationships, and (4) respect for cultural differences.
- M. Before or at the beginning of the first term of enrollment in the academic unit, the program provides a new student orientation during which a student handbook is disseminated and discussed, students' ethical and professional obligations and personal growth expectations as counselors-in-training are explained, and eligibility for licensure/certification is reviewed.
- N. The student handbook includes (1) the mission statement of the academic unit and program objectives, (2) information about professional counseling organizations, opportunities for professional involvement, and activities appropriate for students, (3) matriculation requirements, (4) expectations of students, (5) academic appeal policy, (6) written endorsement policy explaining the procedures for recommending students for credentialing and employment, and (7) policy for student retention, remediation, and dismissal from the program.
- O. Counselor education programs have and follow a policy for student retention, remediation, and dismissal from the program consistent with institutional due process policies and with the counseling profession's ethical codes and standards of practice.
- P. Students in entry-level programs have an assigned advisor at all times during the program who helps them develop a planned program of study.
- Q. The academic unit makes continuous and systematic efforts to recruit, employ, and retain a diverse faculty to create and support an inclusive learning community.
- R. The academic unit has faculty resources of appropriate quality and sufficiency to meet the demands of the program. For entry-level programs, the academic unit must employ a minimum of three full-time core counselor education program faculty members who teach in the entry-level program. Core counselor education program faculty may only be designated as core faculty at one

institution.

- S. To ensure that students are taught primarily by core counselor education program faculty, for any calendar year, the combined number of course credit hours taught by non-core faculty must not exceed the number of credit hours taught by core faculty.
- T. For any calendar year, the ratio of full-time equivalent (FTE) students to FTE faculty should not exceed 12:1.
- U. The teaching and advising loads, scholarship, and service expectations of counselor education program faculty members are consistent with the institutional mission and the recognition that counselor preparation programs require extensive clinical instruction.
- V. Clerical assistance is available to support faculty/program activities and is commensurate with that provided for similar graduate programs.

## FACULTY AND STAFF

- W. Core counselor education program faculty have earned doctoral degrees in counselor education, preferably from a CACREP-accredited program, or have related doctoral degrees and have been employed as full-time faculty members in a counselor education program for a minimum of one full academic year before July 1, 2013.
- X. Core counselor education program faculty identify with the counseling profession (1) through sustained memberships in professional counseling organizations, (2) through the maintenance of certifications and/or licenses related to their counseling specialty area(s), and (3) by showing evidence of sustained (a) professional development and renewal activities related to counseling, (b) professional service and advocacy in counseling, and (c) research and scholarly activity in counseling commensurate with their faculty role.
- Y. Within the structure of the institution's policies, the core counselor education program faculty have the authority to determine program curricula and to establish operational policies and procedures for the program.
- Z. Non-core faculty may be employed who support the mission, goals, and curriculum of the counselor education program. They must have graduate or professional degrees in a field that supports the mission of the program.
- AA. The core counselor education program faculty orient non-core faculty to program and accreditation requirements relevant to the courses they teach.
- BB. All core and non-core counselor education program faculty have relevant preparation and experience in relation to the courses they teach.
- CC. A core counselor education program faculty member is clearly designated as the academic unit leader for counselor education; this individual must have a written job description that includes (1) having responsibility for the coordination of the counseling program(s), (2) responding to inquiries regarding the overall academic unit, (3) providing input and making recommendations regarding the development of and expenditures from the budget, (4) providing or delegating year-round leadership to the operation of the program(s), and (5) receiving release time from faculty member responsibilities to administer the academic unit.
- DD. A program faculty member or administrator is identified as the practicum and internship coordinator for the academic unit and/or program; this individual must have a written job description that includes (1) having responsibility for the coordination of practicum and internship experiences in designated counselor education program(s), and (2) responding to inquiries regarding practicum and internship.

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**To:** Board Members **Date:** September 6, 2018  
**From:** Christy Berger **Telephone:** (916) 574-7817  
Regulatory Analyst  
**Subject: LPCC Supervision Regulations**

### **Background**

The Board's Supervision Committee met 11 times from April 2014 to August 2016. The Committee focused on qualifications of supervisors, supervisor responsibilities, types of supervision provided, and employment of associates. Significant statutory and regulatory changes were proposed by the Committee. The proposed changes are based on extensive groundwork, including the results of a survey of supervisors and supervisees, a review of supervision standards in other states, and a great deal of stakeholder feedback.

The Committee's work resulted in AB 93 (current version provided in **Attachment D**, awaiting approval by the Senate) as well as proposed regulations. The full Board approved the proposed regulations in November 2016. However, AB 93 has had some significant changes since the time the regulations were initially approved. The proposed regulations have been revised in light of those changes, and also in consideration of recent feedback on other regulation proposals from the Office of Administrative Law and the Department of Consumer Affairs.

### **Assembly Bill 93**

AB 93 does the following, as directly related to the proposed regulations:

- Allows a licensee to count time licensed in another state toward the following requirements to be a supervisor:
  - Held a license for at least 2 years
  - Held an active license for 2 of the past 5 years
  - Actively practiced or supervised for at least 2 of the past 5 years
- Allows supervision of students (social work interns or professional clinical counselor trainees) to count toward actively supervising for the "2 of the past 5 years" if it was substantially equivalent to supervision required for registrants.
- Modifies the definition of supervision and further outlines a supervisor's responsibilities, including addressing countertransference or other personal issues that may affect the supervisory or practitioner-patient relationship.
- States that consultation or peer discussion does not qualify as supervision (currently only in LCSW statute).

- Allows the Board to audit a supervisor's qualifications, and requires a supervisor to keep records of his or her qualifications for 7 years from termination of the supervision.
- In a private practice which is not a professional corporation, requires an associate to be supervised by an employee who practices at the same site as the associate's employer, or by an owner of the private practice (currently only in LMFT statute).
- Specifies that alternate supervision is allowed while the supervisor is on vacation or sick leave if the same requirements are met (currently only in LMFT statute).

### **Summary of Originally Proposed Regulations**

**Attachment A** contains a draft of proposed amendments to licensed professional clinical counselor (LPCC) regulations. The originally proposed regulations, approved by the full Board in November 2016, are in black and white text, while the newly proposed changes are shown in **red** ~~strikeout~~ and **red** double underline (see next section for more information). The initially proposed regulations are summarized below:

- Specifies the required documentation pertaining supervised experience, including the following (see **Attachment B** for an overview of the proposed documentation requirements):
  - Requires a Supervision Agreement to be drawn up between the supervisor and supervisee, which includes the supervisor and supervisee's responsibilities, as well as a supervisory plan.
  - Requires supervisors to notify the Board that they are supervising and to perform a self-assessment of qualifications to supervise. Supervisors would submit the self-assessment to the Board, and provide a copy to each supervisee along with the Board's brochure pertaining to supervision.
  - Modifies and strengthens the written agreement required between the supervisor and the supervisee's employer when the supervisor is not employed by the supervisee's employer.
  - Specifies how completed hours of experience must be documented.
- Strengthens provisions related to monitoring and evaluating the supervisee.
- Requires supervisors to be reachable while supervisee is providing services.
- Requires an initial supervisor training of 15 hours for all professions (currently 6 hours for LPCC).
- Allows the 6 hours of continuing education (CE) required of supervisors every two years to also include professional development activities such as teaching a supervision course, authoring research focused on supervision, mentoring or consultation with other active supervisors, and attending supervisor peer discussion groups.
- Adds a section pertaining to supervised experience gained outside of California (currently only in LMFT regulations).

The vast majority of the amendments are the same across all three license types. However, a few are specific to each program. For a more descriptive explanation of the originally proposed changes approved by the full Board in November 2016, see **Attachment C**.

## **New Proposed Changes to Original Regulations**

**Attachment A** indicates newly proposed changes to the regulations that were approved by the full Board in November 2016. The newly proposed amendments are shown in **red strikethrough** and **red double underline**. A summary of the changes are described below:

1. Wording and numbering changes for consistency with AB 93.
2. All implementation dates moved forward one year because AB 93 became a two-year bill.
3. Minor technical, grammatical and clarifying changes.
4. Clarifies what is meant by “standards of practice of the profession” (legal requirements and ethics codes) in the written agreement between the employer and supervisor (**section 1820(a)**).
5. Removes a reference to the 6-year limit on experience hours and makes it generic in the event the statute specifying this requirement were to change (**section 1820(c)(3)(E)(v)**).
6. Requires the supervisor to provide associates with procedures regarding handling crises and emergencies, prior to the commencement of supervision (timing was previously unspecified) (**section 1821(a)(12)**).
7. Requires additional information on the supervisor self-assessment report to help staff determine compliance with training requirements (**section 1821(d)(3)&(4)**).
8. Clarifies what is meant by “current best practices and current standards” (legal requirements, ethics codes and research on supervision) as it pertains to supervision training content (**section 1821.3(a)(1)**).
9. Clarifies that a 6-hour supervision training (refresher) course is required for a licensee who has previously served as a supervisor, but who has not supervised in the past 2 years (as opposed to “2 of the past 5 years”) (**section 1821.3(b)**).
10. Requires continuing professional development activities involving collaboration, mentoring, and peer discussion groups to take place with other licensees who are currently serving as a Board-qualified supervisor (**section 1821.3(c)**).

## **Recommendation**

Conduct an open discussion about the proposed language. Direct staff to make any non-substantive changes and to pursue as a regulatory proposal.

## **Attachments**

**Attachment A:** Proposed LPCC Supervision Language

**Attachment B:** Summary of Proposed Documentation Required Re: Supervision

**Attachment C:** Detailed Explanation of Previously Approved Changes to Supervision Statutes and Regulations

**Attachment D:** AB 93

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## ATTACHMENT A

### Proposed Amendments to Title 16, California Code of Regulations *LPCC Supervision Requirements*

The originally proposed regulations are in black ~~strikeout~~ and underline text, while the newly proposed changes are shown in ~~red strikeout~~ and red double underline.

#### ARTICLE 3. LICENSED PROFESSIONAL CLINICAL COUNSELORS

##### **§1820 ~~EXPERIENCE~~ SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION**

~~(a) In order for experience to qualify under Section 4999.50(a)(2) of the Code, it must have been gained in accordance with Sections 4999.44 through 4999.47 of the Code and the regulations contained in this article.~~

~~(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; monitoring and evaluating the ability of the intern 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 professional clinical counseling. Supervision shall include that amount of direct observation, or review of audio or video tapes of counseling, as deemed appropriate by the supervisor.~~

~~(c) The term "clinical setting," as used in this article means any setting that meets all the following requirements:~~

- ~~(1) Lawfully and regularly provides mental health counseling or psychotherapy; and,~~
- ~~(2) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in Chapter 16 (Commencing with Section 4999.10) of Division 2 of the Business and Professions Code and is within the scope of practice of the profession as specified therein.~~

~~(d) The term "community mental health setting," as used in Section 4999.46 of the Code, means a clinical setting that meets all of the following requirements:~~

- ~~(1) Lawfully and regularly provides mental health counseling or psychotherapy;~~
- ~~(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;~~
- ~~(3) Clients receive coordinated care that includes the collaboration of mental health providers; and,~~
- ~~(4) Is not a private practice owned by a licensed professional clinical counselor, licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.~~

~~(e) 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 or intern 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 or intern 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)(a) Pursuant to section 4999.46.4 of the Business and Professions Code, In 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 oversight agreement must shall be executed between the supervisor and the organization, employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

(1) The written oversight agreement shall be executed prior to commencement of supervision and shall be submitted to the Board upon application for licensure.

~~(2), in which the supervisor agrees~~ The agreement shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the intern-supervisee is consistent with the intern's-supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

(3) The agreement shall contain an acknowledgment by the employer that the employer:

~~(4)(A)~~ Is aware of the licensing requirements that must be met by the intern supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

~~(2)(B)~~ Agrees to provide the supervisor access to clinical records of the clients counseled by the intern-supervisee; and

(C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.

(b) Effective January 1, 2020 2021, supervisors shall complete and submit a self-assessment report of pertaining to the licensee's qualifications to be a supervisor, as specified in section 1821.

(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The supervisor's licensee's qualifications to be a supervisor as specified in section 1821, and in section 4999.12 of the Code.

- (B) The supervisor states that he or she understands the requirements pertaining to registration of the supervisee, acceptable supervision practices, and work settings, supervisee employment and oversight of supervisees as specified in sections 4999.46.1, ~~4999.46.2~~, 4999.46.3 and 4999.46.4 of the Code.
- (C) The supervisor states that he or she understands the requirements pertaining to direct supervisor contact as specified in section 4999.46.2 of the Code.
- (D) The supervisor states that he or she understands the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.
- (E) The supervisee states that he or she understands all of the following:
  - (i) Requirements pertaining to registration as an associate as specified in section 4999.46.1 of the Code.
  - (ii) The supervisee's supervisor must hold a current and active California license ~~that is not under suspension or probation~~ while supervising in order for hours to count toward licensure as specified in section 1821.
  - (iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.
  - (iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4999.46.3 of the Code.
  - (v) The ~~six (6)-year~~ age limit pertaining to experience hours as specified in section 4999.46 of the Code.
- (F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1821, and in section 4999.12 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

~~(4)(d)~~ The applicant or intern-associate shall maintain a record weekly log of all hours of experience gained toward licensure on the "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" (form No. 1800-37A-645 Revised 02/15), hereby incorporated by reference. The record log of hours must be signed by the supervisor on a weekly basis. An intern-associate shall retain all "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" the signed 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 "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" log as it deems necessary to verify hours of experience. The log shall include all of the following:

- (1) The name and address of the supervisee's work setting.
- (2) Hours of experience gained ~~by per~~ category ~~in a given each~~ week.
- (3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted ~~to the Board~~ by the supervisee upon application for licensure and shall include all of the following:

- (1) The supervisor's telephone number, and the supervisor's license information.
- (2) The supervisee's employer's name, address and telephone number.
- (3) Whether the supervisee's work setting complies with sections 4999.46.3 and 4999.46.4 of the Code.
- (4) Documentation of employment or volunteer status, as specified in section 4999.46.3 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

~~(f) 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.~~

*NOTE: Authority cited: Sections 4990.20, 4999.48 and 4999.50, Business and Professions Code. Reference: Sections ~~4999.44, 4999.12, 4999.45, and 4999.46, through 4999.46.4, and 4999.47,~~ Business and Professions Code.*

**§ 1820.5. EXEMPTIONS FOR WORKING WITH COUPLES OR FAMILIES ASSESSMENT OR TREATMENT OF COUPLES AND FAMILIES: EXEMPTIONS AND SUPERVISED EXPERIENCE**

(a) Clinical counselor trainees, as defined in ~~Section~~ section 4999.12, shall be exempt from ~~Section~~ section 4999.20 (a)(3) of the Code if the trainee is gaining supervised practicum experience to comply with sections 4999.32(c)(3)(I), or 4999.33(c)(3)(K) of the Code.

(b) Trainees may not count supervised experience with couples, ~~or families, or children~~ toward the requirements of section 4999.20(a)(3) of the Code.

(c) Professional clinical counselor ~~interns~~ associates and licensees shall be exempt from the scope of practice restrictions set forth in section 4999.20(a)(3) of the Code if the ~~intern~~ associate or licensee meets all of the following requirements:

(1) Is gaining supervised experience to comply with ~~Section~~ section 4999.20(a)(3)(B) or 4999.46~~(b)~~(2) of the Code.

(2) The supervised experience is gained under the direct supervision of a licensee who meets the definition of an "approved supervisor" as described in ~~Section~~ section 4999.12(h) of the Code. If the supervisor is a licensed professional clinical counselor, he or she must also meet all requirements specified in ~~Section~~ section 4999.20(a)(3) of the Code. A supervisor who is a licensed clinical social worker, licensed psychologist, or licensed physician who is board certified in psychiatry, shall have sufficient education and experience in treating couples and families to competently practice couples and family therapy in California.

(d) Professional clinical counselor associates and licensees gaining experience with couples, families, or children toward meeting the requirements of section 4999.20(a)(3)(B) of the Code.

shall be supervised by a licensee who meets the qualifications of subsection (2) of paragraph (c) of this section.

(~~d~~ e) Collateral consultation may be provided to a family of an individual who is being treated by an LPCC or ~~intern~~ associate who does not meet the requirements of section 4999.20(a)(3) of the Code, and who is not working under supervision toward meeting the requirements of section 4999.20(a)(3) of the Code. Collateral contact with the family may include, but is not limited to, treatment planning, recommending resources, monitoring progress, or termination and aftercare planning.

*Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4990.20, 4999.12, 4999.20, 4999.32, and 4999.33, and 4999.46, Business and Professions Code.*

## **§1821. REQUIREMENTS FOR SUPERVISORS**

(a) Any person supervising an ~~intern~~ associate (hereinafter "supervisor") within California shall comply with the requirements set forth in this section.

~~(b) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (form No. 1800-37A-643, New 3/10), hereby incorporated by reference, requiring that:~~

(1) The supervisor possesses and maintains a current ~~valid and active~~ California license that is not under suspension or probation as either a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, or licensed physician who is certified in psychiatry as specified in section 4999.12 (h) of the Code and has been so licensed in California or in any other state for at least two (2) of the past five (5) years immediately prior to commencing any supervision.

(2) A supervisor who is not a licensed ~~as a~~ professional clinical counselor, shall have sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California.

(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep ~~The supervisor keeps~~ himself or herself informed of developments in professional clinical counseling and in California law governing the practice of professional clinical counseling.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related issues that may affect supervision.

~~(45) The supervisor has and maintains a current license in good standing and will immediately notify the ~~intern~~ associate of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to practice or supervise.~~

~~(56) The supervisor has practiced psychotherapy or provided direct clinical supervision of~~

marriage and family therapist trainees, associate marriage and family therapists interns, associate professional clinical counselors, or associate clinical social workers, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program, or LPCC trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

(67) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1821.3.

~~(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.~~

~~(B) Persons licensed by the board who provide supervision and who 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.~~

(78) The supervisor knows and understands the laws statutes and regulations pertaining to both the supervision of interns associates and the experience required for licensure as a professional clinical counselor.

(89) The supervisor shall ensure that the extent, kind, and quality of counseling performed by the intern supervisee is consistent with the education, training, and experience of the intern associate supervisee.

(910) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern supervisee by review of progress notes, process notes and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor and with the client's written consent, 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.

(11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate at least once a year and at the completion or termination of supervision. The supervisor shall provide the associate with a copy of all assessments.

(12) The supervisor shall address with the intern the manner in which emergencies will be handled establish written procedures for associates to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist associates in handling crises and emergencies. The supervisor shall provide these procedures to the associate prior to the commencement of supervision.

(13) If the supervisor is a licensed professional clinical counselor who is supervising an

associate marriage and family therapist or a marriage and family therapist trainee; or who is supervising an associate professional clinical counselor or licensee seeking experience to assess and treat couples and families in compliance with section 4999.20(a)(3)(B) of the code, then the supervisor shall meet the additional training and education requirements specified in paragraph (3) of subdivision (a) of section 4999.20.

~~(c) Each supervisor shall provide the intern with the original signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800-37A-643) prior to the commencement of any counseling or supervision. Interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800-37A-643) from each supervisor upon application for examination eligibility.~~

~~(d)(b) A supervisor shall give at least one (1) week's prior written notice to an intern-associate of the supervisor's intent not to sign for 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.~~

~~(e)(c) The supervisor shall obtain from each intern-associate for whom supervision will be provided, the name, address, and telephone number of the intern's-associate's most recent supervisor and employer.~~

~~(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in section 1820 and section 4999.46 of the Code.~~

(d) Effective January 1, 2020 2021, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

- (1) The supervisor's licensee's qualifications to be a supervisor as specified in section 1821 and section 4999.12 of the Code.
- (2) The supervisor's telephone number and email address.
- (3) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.
- (4) The date the supervisor's compliance with completed the training required by section 1821.3, and the length of the course(s) taken.
- (5) The supervisor states that he or she understands all of the following:
  - (A) The supervisor's license must meet the supervisor requirements qualifications set forth in section 1821 and section 4999.12 of the Code for a supervisee's experience hours to be credited toward licensure.
  - (B) The supervisee notification requirement set forth in paragraph (a)(5) of this section.
  - (C) The requirements set forth in section 4999.46.4 of the Code pertaining to the

maximum number of registrants.

- (D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4999.46.5 of the Code.
- (E) The requirement to complete a supervision agreement for each supervisee as specified in section 1820.

(e) ~~New supervisors Licensees who have not previously served as a board-qualified supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising,~~ shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(f) ~~Individuals Licensees~~ acting as a supervisor prior to January 1, ~~2020 2021~~, shall submit a self-assessment report to the Board by December 31, ~~2020 2021~~.

(g) 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.

(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) (A).~~

*NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code. Reference: Sections 4999.12, 4999.20, 4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54 and 4999.46 through 4999.46.5, Business and Professions Code.*

### **§1821.1 SUBSTITUTE SUPERVISORS**

- (a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.
- (b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1820, and the substitute supervisor shall sign the weekly log specified in section 1820.
- (c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:
  - 1) A new supervisory plan, ~~as specified in section 1820(c)(3)(F)~~, is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.
  - 2) The experience gained during that 30-day period may be verified, ~~as specified in section 1820(e)~~, by the regular supervisor.
- (d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time ~~as required by section 1820~~.

*NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code. Reference: Sections 4999.12, 4999.46 and 4999.46.4, Business and Professions Code.*



## **§1821.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA**

Experience gained outside of California must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license or certification which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a professional clinical counselor, clinical social worker, psychologist, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code.  
Reference: Sections 4999.12, 4999.60 and 4999.61, Business and Professions Code.

## **§1821.3. SUPERVISOR TRAINING AND COURSEWORK**

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

- (a) Beginning January 1, ~~2019~~ 2020, supervisors licensees who commence supervision for the first time in California shall obtain fifteen (15) ~~contact~~ hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation Article 8. If taken from an acceptable continuing education provider ~~specified as acceptable by the board in regulation~~, the training may apply towards the approved continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.
- 1) The training content ~~of such training~~ shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:

  - (A) Competencies necessary for new supervisors;
  - (B) Goal setting and evaluation;
  - (C) The supervisor-supervisee relationship;
  - (D) California law and ethics, including legal and ethical issues related to supervision;
  - (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
  - (F) Contextual variables, such as treatment modality, work settings, and use of technology;
  - (G) Supervision theories and literature; and

- (H) Documentation and record keeping of the supervisee's client files, as well as ~~documentation of~~ supervision.
- 2) If taken from a government agency or from an ~~an acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.
  - 3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or completed within 60 days after commencing supervision.
- (b) ~~A six (6)-hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least two (2) years within the five (5)-year period immediately preceding any supervision. A licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.~~
- (c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision ~~in~~ during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and ~~shall be documented records of completion shall be maintained as specified in section 4999.46.5 of the Code:~~
- 1) Training or coursework ~~directly covering specific to~~ the topic of supervision, obtained from a government agency or from an ~~an acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~. If taken from an ~~acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, it may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code;
  - 2) Teaching a supervision course as ~~specified described~~ in subparagraph (1).
  - 3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. ~~It~~ ~~This~~ shall not include personal opinion papers, editorials, or blogs.
  - 4) Collaboration with another ~~board~~ licensee who also ~~qualifies serves~~ as a ~~board-qualified~~ supervisor through ~~the~~ use of mentoring or consultation.
  - 5) Attendance at supervisor peer discussion groups with other ~~board~~ licensees who also ~~qualify serve~~ as ~~board-qualified~~ supervisors.
- (d) (1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)
- (B) The American Board of Examiners in Clinical Social Work (ABECSW)
- (C) The California Association of Marriage and Family Therapists (CAMFT)
- (D) The Center for Credentialing and Education (CCE)

(2) ~~These licensees~~ Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board ~~may, in its sole discretion, shall~~ accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.

(e) The board shall not deny hours of experience gained towards licensure by any associate due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code. Reference: Sections 4999.12 and 4999.48, Business and Professions Code.

#### **§1822. SUPERVISORY PLAN**

~~(a) All licensed mental health professionals acceptable to the board as defined in Section 4999.12 of the Code who assume responsibility for providing supervision under section 4999.46 of the Code shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800-37A-521, Rev. 3/10), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the professional clinical counselor intern to the board upon application for examination eligibility.~~

~~Note: Authority cited: Section 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54 Business and Professions Code.~~

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## ATTACHMENT B

### Proposed Supervision Documentation Requirements

#### *Title 16, California Code of Regulations Sections 1820, 1833 and 1869*

##### **Supervision Agreement**

Supervisor and supervisee sign an agreement, submitted by the supervisee to the Board upon application for licensure. Includes the following:

- The licensee's qualifications to be a supervisor
- Supervisor understands requirements including:
  - Supervisee registration, employment and work settings
  - Oversight of supervisee and direct supervisor contact
  - Supervision documentation
- Supervisory plan that contains goals and objectives
- Supervisee understands requirements including:
  - Registration and employment
  - Supervisor's license and supervisory relationship
  - Documentation of experience

##### **Supervisor Self-Assessment**

Report by the licensee to be submitted to the Board\* pertaining to the licensee's qualifications to be a supervisor. Includes the following:

- The licensee's qualifications to be a supervisor
- The date the licensee began supervising and complied with training requirements
- Supervisor understands requirements including:
  - Supervisor must meet qualifications or supervisee's hours won't count toward licensure
- The maximum number of supervisees
- The Board's right to audit supervisor qualifications
- Supervision Agreement requirement

*\*Must be submitted by the supervisor within 60 days of commencing any supervision (or by 12/31/2021 for current supervisors)*

##### **Weekly Experience Log**

###### ***New for LCSW***

###### ***Current requirement for LPCC & LMFT***

Supervisee maintains a log of all experience gained toward licensure, signed by the supervisor weekly. Submitted to the Board only upon request.

##### **Experience Verification Form**

###### ***Currently required but not specified in law***

Supervisor verifies the supervisee's experience upon completion of supervision. Submitted by the supervisee to the Board upon application for licensure

##### **Written Oversight Agreement**

Required when the supervisor is not employed by the supervisee's employer. Must be submitted by the supervisee to the Board upon application for licensure. The agreement includes:

- Supervisor takes responsibility for extent, kind and quality of counseling performed by supervisee and its consistency with the supervisee's training and experience;
- Employer agrees not to interfere with compliance with licensing requirements;
- Employer agrees to provide the supervisor with access to clinical records; and,
- Employer agrees not to interfere with supervisor's clinical guidance to supervisee.

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## ATTACHMENT C

### DETAILED EXPLANATION OF PREVIOUSLY APPROVED CHANGES TO SUPERVISION STATUTES AND REGULATIONS

This is a summary of the proposed amendments to both statutes and regulations originally made by the Supervision Committee and approved by the full Board in November 2016. Most of the amendments are the same across all three license types (LCSW, LMFT and LPCC). *Italicized text at the bottom of each item indicates whether the amendments are the same or if they differ by license type.*

1. **Revised Titles and Definitions of “Intern” and “Applicant”:** The titles and definitions of “Intern” and “Applicant” have been amended. First, the “intern” title has been changed to “associate” to comply with the title change that becomes effective on January 1, 2018. The definition of “Associate” (formerly “Intern”) now includes either someone who is registered with the Board, or someone who applies for registration as an associate within 90 days of the degree award date. The definition of “Applicant” was renamed “Applicant for licensure.” The definition was amended to mean an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

*Section Affected: BPC §4999.12(d) and (f); Change also proposed for LMFT.*

2. **Approved Supervisors:** The “approved supervisor” title defined in Section 4999.12 has been amended to define “supervisor” only. This is for consistency with the Board’s other license types and to ensure that the definition applies to all instances where the “supervisor” term is used.

*Section Affected: BPC §4999.12(h); Change for LPCC only.*

3. **Supervisors Licensed for at Least Two Years:** Current law requires a supervisor to have been licensed in California for at least two years. The amendments allow a licensee to supervise if he or she has been actively licensed in California or held an equivalent license in any other state for at least two of the past five years immediately prior to commencing any supervision. The supervisor must have and maintain a current and active California license at all times while supervising.

*Sections Affected: BPC §4999.12(h), 16 CCR §§1821 and 1821.1; Change also proposed for LCSW and LMFT.*

4. **Experience Required of Supervisors:** In order to supervise a registrant, current regulations require a supervisor to have practiced psychotherapy or provided direct clinical supervision for 2 of the past 5 years. However, the wording of this law is inconsistent across the Board’s license types, and in some cases it is unclear if supervision of LPCC trainees or master’s level social work students counts as qualifying supervisory experience. This amendment would clarify that supervision of LPCC trainees or social work students is acceptable as experience to qualify as a supervisor, and would make the language consistent for each of the Board’s license types. This language has been added to both statute and regulation for clarity.

*Section Affected: BPC § 4999.12, 16 CCR §1821(b)(5); Change also proposed for LCSW and LMFT.*

5. **LPCC Supervising an Associate or LPCC licensee Seeking Experience to Treat Couples and Families:** Language was added to clarify that in order for an LPCC to supervise either an associate MFT, MFT trainee, associate PCC, or an LPCC licensee seeking the required experience to treat couples and families, the supervisor must meet the additional training and education requirements specified by BPC section 4999.20.

*Sections Affected: BPC §4999.12(h)(2), 16 CCR §1821(a)(12); Change is for LPCC only.*

6. **Definition of Supervision:** The definition of “supervision” has been revised from previous meetings to include responsibility for, and control of, the quality of services being provided. The amendments also state that consultation or peer discussion is not supervision and does not qualify as supervised experience. These changes are consistent with what is already in LCSW law, and the changes are also being made to LMFT law.

The following additions have also been made to the definition of supervision:

- A statement about providing regular feedback to the associate or trainee;
- An amendment to require the supervisor to monitor for and address clinical dynamics, such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related issues that may affect the supervisory or the practitioner-patient relationship; *(Note – significant amendments to this subsection were made at the Policy and Advocacy Committee meeting.)*
- An amendment stating that the supervisor should review progress notes, process notes, and other patient treatment records as he or she deems appropriate, and also an amendment stating the supervisor should engage in direct observation or review of audio or video recordings, with client written consent, as the supervisor deems appropriate.

*Sections Affected: BPC §4999.12(m), 16 CCR §1821(b)(9); Change also proposed for LCSW and LMFT.*

7. **Definition of “Clinical Setting” and “Community Mental Health Setting”:** The definitions of “clinical setting” and “community mental health setting” have been moved from regulations to statute, as staff believes placing them in statute with the other defined terms is more appropriate.

Stakeholders and Board licensing staff expressed interest in amending the definition of “community mental health setting” due to confusion about the term. The Supervision Committee directed staff to clarify that this setting shall not be a private practice, but to delete the language about ownership of the private practice because that language was causing confusion.

*Sections Affected: BPC §4999.12(n) and (o), 16 CCR §1820; Change is for LPCC only.*

8. **Split BPC Section 4999.46:** BPC Section 4999.46 has been divided into smaller sections, with each new section focused on a specific topic of supervision.

*Sections Affected: BPC §§4999.46 – 4999.46.5; Change is for LPCC only.*



**9. Prohibition on Independent Contracting - Gaining Experience vs. Performing**

**Services:** Current LPCC statute states that PCC trainees, associates, and applicants may only perform services as an employee or a volunteer. It goes on to state that experience shall not be gained by associates or trainees as an independent contractor (BPC §4999.47(a)). The Supervision Committee recommended clarifying the language to state that no trainees, associates, or applicants for licensure are allowed to perform services or gain experience within the defined scope of practice of the profession, as an independent contractor.

*Section Affected: BPC §4999.46.3(a); Change also proposed for LCSW and LMFT, though some of this language is new for LCSW.*

**10. Prohibition on Independent Contracting - Submission of 1099 Documentation:**

Applicants for licensure occasionally submit a “1099” tax form, which typically indicates the individual was an independent contractor. However, the applicant may truly have been a volunteer, but received reimbursement of expenses (such as travel) which resulted in the employer issuing a 1099 for the amount reimbursed.

Current law allows those who receive a maximum of \$500 per month as reimbursement of expenses, to be considered as an employee and not an independent contractor. Applicants must demonstrate that the payments were for reimbursement of expenses actually incurred. The Supervision Committee decided that the specific dollar amount should be removed from the law.

In addition, staff is increasingly aware of individuals who are awarded a stipend or educational loan repayment as an incentive for working in an underserved region, or from a program designed to encourage demographically underrepresented groups to enter the profession. An exception for stipends and loan repayments is also proposed to be added.

*Section Affected: BPC §4999.46.3(g),(h); Change also proposed for LMFT and LCSW.*

**11. BPC Sections 4999.34, 4999.44, 4999.455, and 4999.47: Trainee and Associate**

**Requirements:** BPC sections 4999.34, 4999.44, 4999.455, and 4999.47 have been moved to other newly proposed sections of law, in order to provide better flow in the placement of the law, and to provide more consistency with LMFT licensing law.

*Section Affected: BPC §§4999.34, 4999.44, 4999.455, 4999.46.3, 4999.46.4; Change is for LPCC only.*

**12. Handling Crises and Emergencies:** The American Counseling Association’s Ethical Code requires supervisors to establish and communicate to supervisees procedures for contacting either the supervisor, or an alternate on-call supervisor, in a crisis. The Committee decided to adopt this requirement for all supervisors.

*Section Affected: 16 CCR §1820(b)(11); Change also proposed for LCSW and LMFT.*

**13. Direct Supervisor Contact:** Currently, trainees and associates must receive one hour of direct supervisor contact per week per work setting. Supervisees must obtain additional supervision once they perform a specified amount of client contact or face-to-face psychotherapy in each setting.

The amendment changes “client contact” and “face-to-face psychotherapy” to “direct clinical counseling” as the basis for which the amount of supervision is determined. References in sections 4999.46(a) and 4999.46.2 (a) and (b) have been amended to instead reference “direct clinical counseling” for consistency.

*Section Affected: BPC §§ 4999.46(a), 4999.46.2(a), (b)(1); Change also proposed for LCSW and LMFT.*

**14. Amount of Direct Supervisor Contact Required for Applicants Finished Gaining**

**Experience Hours:** Currently, the statute does not specifically define how much direct supervisor contact an associate MFT or Associate PCC needs once he or she is finished gaining experience hours needed to count toward licensure. (An associate gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one additional hour in that week if more than 10 hours of direct client contact is gained, in order for the hours to count.)

The amendment specifies that these associates and applicants for licensure must obtain at least one hour of supervision per week for each setting in which direct clinical counseling is performed. Supervision for nonclinical practice would be at the supervisor’s discretion.

*Section Affected: BPC §4999.46.2(i); Change also proposed for LCSW and LMFT.*

**15. Definition of “One Hour of Direct Supervisor Contact”; Triadic Supervision:** These revisions provide a specific definition of “one hour of direct supervisor contact.” Triadic supervision (one supervisor meeting with two supervisees) is now included in this definition.

*Section Affected: BPC §4999.46.2(c); Change also proposed for LCSW and LMFT.*

**16. Amount of Individual Supervision:** Current regulations require 52 of the 104 required supervised weeks to have included one hour per week of individual supervision. Staff believes this requirement is significant and it is more appropriately stated in statute rather than regulations. The requirement has also been amended to allow this 52 weeks of supervision to either be individual or triadic.

*Section Affected: BPC §44999.46.2(e); Change also proposed for LCSW and LMFT.*

**17. Supervision in a Group:** Current statute allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of supervision is appropriate for each supervisee.

*Section Affected: BPC §4999.46.2(f); Change also proposed for LCSW and LMFT.*

**18. Supervision via Videoconferencing and HIPAA Compliance:** Current statute contains language allowing an associate working in an exempt setting to obtain supervision via videoconferencing. The Committee asked to add a statement requiring the videoconferencing be HIPAA compliant.

In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in statute, as its name could possibly change over time. Therefore, staff has added a

statement that “*The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.*”

*Section Affected: BPC §4999.46.2(g); Change also proposed for LCSW and LMFT.*

- 19. Professional Clinical Counselor Corporations:** Current statute limits the number of registrants a professional clinical counselor corporation may employ. However, the use of the word “employ” is intended to include both employees and volunteers. Since volunteers are not actually employed, the language has been revised to more accurately account for this. Additionally, the language regarding limits on number of registrants working for professional clinical counselor corporations has been separated into subsections for clarity purposes.

*Section Affected: BPC §4999.46.4; Change also proposed for LCSW and LMFT.*

- 20. Supervision in a Non-Private Practice Setting – Written Agreement:** Currently, a supervisor only needs to sign a written agreement with the supervisee’s employer if the supervisor is a volunteer (volunteer supervisors are not allowed in private practice). The purpose of the agreement is to document that the employer agrees to provide the supervisor with access to records and will not interfere with the supervisor’s legal and ethical responsibilities.

An amendment was made to require a written agreement when the setting is a non-private practice and the supervisor is not employed by the supervisee’s employer or is a volunteer. Proposed amendments would require the written agreement to contain an acknowledgement by the employer that the employer is aware the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

*Sections Affected: BPC §4999.46.4(e), 16 CCR §1820(a) Change also proposed for LPCC and LCSW (though current LCSW law differs).*

- 21. Associates Incurring Business Expenses:** Current statute prohibits associates from having any proprietary interest in their employer’s business. Additional language has been added stating that an associate shall not lease or rent space, or pay for furnishings, equipment, supplies or other expenses that are the obligation of their employers. This language is consistent with language already in LCSW and LMFT statute.

*Section Affected: BPC §4999.46.3(f); Change is for LPCC only.*

- 22. Unprofessional Conduct:** This section currently states that the following two items are unprofessional conduct:

*4999.90(r) Any conduct in the supervision of a registered intern, associate clinical social worker, or clinical counselor trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.*

*4999.90 (u) The violation of any statute or regulation of the standards of the profession, and the nature services being rendered, governing the gaining and supervision of experience required by this chapter.*

At prior committee meetings, staff was recommending deleting subsection 4999.90(r), because the two sections appear duplicative. However, after further discussion with the Board's enforcement unit, this deletion is no longer recommended. The enforcement unit believes subsection 4990(r) is useful in cases of supervisor violations, while 4990(u) is more useful for supervisee violations.

In addition, unprofessional conduct language related to discipline is inconsistent between LMFT, LCSW, and LPCC statute. The language in 4999.90(t) and (u) are being amended to be more consistent with the language for the other license types.

*Section Affected: BPC §4999.90; Some changes are for LPCC only.*

**23. Delete Duplicative and Obsolete Language in Regulations; Move Language to Statute:**

Several provisions in regulation sections 1820 and 1821 are either already in statute, or are outdated. Other subsections were moved to statute, if staff believed that location was more appropriate. The remaining provisions of section 1820 discuss specific forms that supervisors or supervisees are required to complete.

*Section Affected: 16 CCR §§1820, 1821; Changes for LPCC only.*

**24. Experience Gained Outside of California:** A section has been added to regulations discussing required criteria for supervision gained outside of California. This new section is similar to a section that already exists in LMFT regulations.

*Section Affected: 16 CCR §1821.2; Change is specific to LPCC only.*

**25. Substitute Supervisors:** It is sometimes necessary for supervisees to temporarily have a substitute supervisor. This situation may happen with or without warning. The Supervision Committee has recommended language that would clarify the specific requirements and necessary documentation for a temporary substitute supervisor, based on how long the substitute will be filling in.

*Section Added: 16 CCR §1821.1; Change also proposed for LCSW and LMFT.*

**26. Required Training and Coursework for Supervisors:** This section requires Board licensed supervisors commencing supervision for the first time in California, as of January 1, 2019, to complete a 15 hour supervision course covering specified topic areas. This is consistent with a similar requirement already in place for LCSW supervisors. Age limits for the course are specified, and the course can be counted as continuing education if taken from an accepted provider. Any supervisor who has not supervised in 2 of the last 5 years, must re-take a 6 hour course.

This new section also specifies that supervisors must complete 6 hours of continuing professional development in each renewal period while supervising. This can consist of a supervision course, or other professional development activities such as teaching, research, or supervision mentoring. All of these activities must be documented.

The option to count research published professionally toward the continuing professional development requirement was recently amended. The language now states the following: *"This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work*

*deemed equivalent by the board. It shall not include personal opinion papers, editorials, or blogs.”*

An exception to the initial and ongoing training requirements is proposed for a supervisor who holds a supervision certification from one of four specified entities. The Board also has discretion to accept certification from another entity if it believes its requirements are equivalent or greater. Such a certification exempts the supervisor from the 15 hour coursework and 6 hour professional development requirements, and it allows them to waive the requirement that they must have been licensed and either supervising or practicing psychotherapy for two of the past five years prior to commencing any supervision.

The proposed language is specifically worded so that it only applies to supervisors who are also Board licensees. Supervisors who are licensed psychologists or psychiatrists would not need to complete the supervision training and coursework, consistent with current law.

*Section Added: 16 CCR §1821.2; Change also proposed for LCSW and LMFT.*

- 27. Annual Assessment:** LCSW regulations require a supervisor to complete an annual assessment of the strengths and limitations of the registrant and to provide the registrant with a copy. The Committee decided that an annual assessment should also be required for LMFT and LPCC applicants.

*Section Affected: 16 CCR §1821(b)(10) Change also proposed for LMFT (LCSW law already requires).*

- 28. Supervisory Plan:** Current regulations require the supervisor and the supervisee to develop a “supervisory plan” that describes the goals and objectives of supervision. The registrant is required to submit the signed plan when applying for licensure. The Committee has requested language requiring that the supervisor and supervisee collaborate to develop the goals and objectives. This form will be merged with the Supervision Agreement as discussed in item #29 below.

*Section Affected: CCR §1820(c); Change also proposed for LCSW and LMFT.*

- 29. Supervision Agreement:** Currently, all supervisors must sign a “Supervisor Responsibility Statement” whereby the supervisor signs under penalty of perjury that he or she meets the requirements to become a supervisor, and understands his or her specific responsibilities as set forth in law.

The Committee has proposed that a “Supervision Agreement” would replace both the “Supervisor Responsibility Statement” and the “Supervisory Plan” described in #28 above. The “Supervision Agreement” would be completed by both the supervisor and supervisee, and signed under penalty of perjury. It would include information about the supervisor’s qualifications, an acknowledgement of supervisor and supervisee responsibilities, and a description of the collaboratively developed goals and objectives of supervision. The original would be retained by the supervisee and submitted to the Board upon application for licensure.

*Sections Affected: 16 CCR §§1820(b),(c), 1821(d),(e); Change also proposed for LCSW and LMFT.*

**30. Weekly Log:** The “Weekly Log” form is for the purpose of tracking completed supervised experience. The form is currently incorporated by reference into the actual regulation, which means that a regulation change process is necessary in order to change the text of the form. To avoid this hurdle, staff has proposed language that would instead specify the required content of the weekly log, rather than including the actual form in the regulation.

*Section Affected: 16 CCR §1820(d); Change also proposed for LMFT (weekly log will be newly required for LCSW).*

**31. Experience Verification:** Staff became aware that current regulations do not explicitly specify that supervisors must sign off on experience hours at the completion of supervision. The proposed regulations now clarify this requirement.

*Section Affected: 16 CCR §1820(e); Change also proposed for LCSW and LMFT.*

**32. Supervisor Self-Assessment and Listing of Supervisors:** The Board has no record of the licensees who are currently supervising trainees and associates. This information is only known once an applicant for licensure submits verification of completed supervised experience. This also means that registrants seeking supervision do not have any straightforward way to search for a supervisor.

To address these issues, and in light of the benefits detailed below, the Committee proposed requiring all supervisors to perform a self-assessment of qualifications, which would confirm that the licensee meets all requirements to be a supervisor. The self-assessment would be submitted to the Board for review within 60 days of commencing supervision. For supervisors who are BBS licensees, a “supervisor” notation would be added to the licensee’s public online record (the Board is unable to add a notation to Psychologist and Psychiatrist records).

The Committee’s goal in creating the self-assessment process was to create a framework that increases accountability without creating a significant impact on current or future supervisors.

Some of the benefits to this new process for supervisors are:

- Supervisees will have more assurance that his or her supervisor meets all requirements.
- Supervisors will have more awareness of (and better adherence to) requirements, which better protects the supervisee.
- Supervisors will be searchable online through Breeze, which would assist individuals in finding a supervisor.
- The Board will have the ability to target communications directly to supervisors.

The supervisor’s listing with the Board would be initiated by submission of the “Supervisor Self-Assessment” report signed under penalty of perjury. This report would indicate the supervisor’s specific qualifications, and will require the supervisor to acknowledge certain responsibilities set forth in law. Implementation of this framework would create a significant new workload that cannot be absorbed by existing staff. In addition, there would be a fiscal impact to the Board for new positions and Breeze changes.

The effective date of this requirement would be delayed to January 1, 2021 to allow time for the Breeze system to be modified so that supervisors who are BBS licensees will be searchable. New supervisors would be required to submit the “Supervisor Self-Assessment Report” within 60 days of commencing any supervision. The deadline date for existing supervisors (those supervising prior to January 1, 2021) is proposed to be December 31, 2021. This extended deadline is necessary so that this new workload dealing with tens of thousands of licensees will be manageable.

*Sections Affected: 16 CCR §§ 1820(b), 1821(d),(e); Change also proposed for LCSW and LMFT.*

**33. Timelines for Supervisors:** The proposed regulations establish timelines to complete specified activities as follows:

- The “Supervisor Self-Assessment” must be completed and submitted to the Board within 60 days of a new supervisor commencing any supervision. The effective date would be January 1, 2020. For existing supervisors, the report must be submitted by December 31, 2020.
- The “Supervision Agreement” would be implemented upon approval of the proposed regulations, and must be completed within 60 days of commencing supervision with any individual supervisee.
- The initial 15-hour supervision training course must be completed by new supervisors within one of the following time frames:
  - Within two (2) years prior to commencing supervision OR
  - Within four (4) years prior to commencing supervision if taken from a graduate program at an accredited or approved school OR
  - Within 60 days after commencing supervision.

*Sections Affected: 16 CCR §§ 1820(b),(c), 1821(d),(e), 1821.2(a); Change also proposed for LCSW and LMFT.*

**34. Audits of Supervisors:** A section has been added to allow the Board to audit a supervisor’s records to verify they meet the supervisor qualifications specified in statute and regulations. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years after the completion of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

The Board would likely audit a supervisor during a continuing education audit or if a complaint was received. The “Supervisor Self-Assessment Report,” would be used in such audits.

Section 1886 of the Board’s regulations already provides authority to issue citations and fines to licensees for violations of its statutes and regulations. Supervisors found to be in violation would be subject to citation and fine.

*Section Added: BPC §4999.46.5; Change also proposed for LCSW and LMFT.*

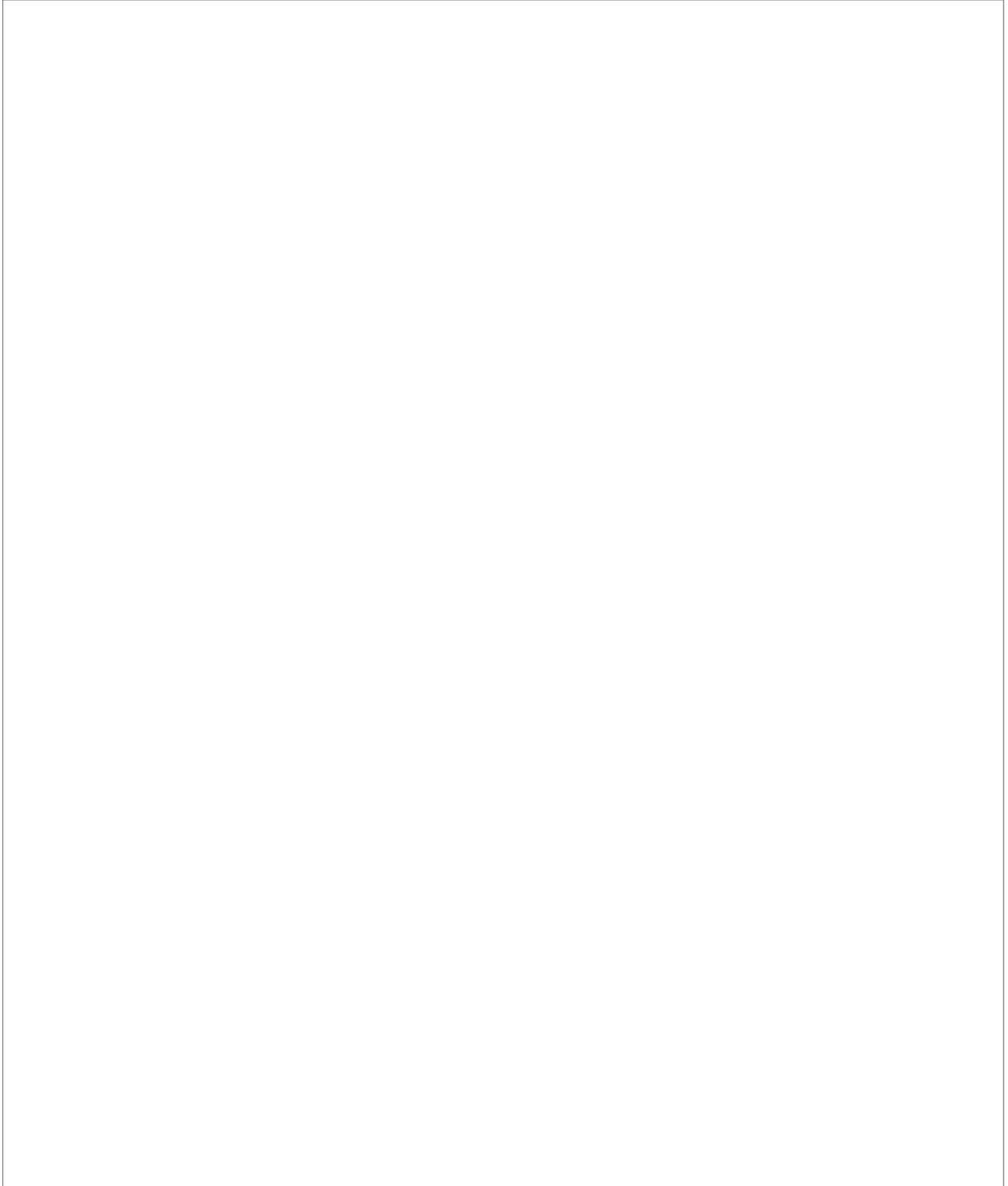
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*California*  
LEGISLATIVE INFORMATION

**AB-93 Healing arts: marriage and family therapists: clinical social workers: professional clinical counselors: required experience and supervision. (2017-2018)**



(C) A psychological assistant.

(D) A registered psychologist.

(E) A trainee under the supervision of a licensed psychologist.

(F) A marriage and family therapist.

(G) An associate marriage and family therapist.

(H) A marriage and family therapist trainee.

(I) A licensed educational psychologist.

(J) A clinical social worker.

(K) An associate clinical social worker.

(L) A licensed professional clinical counselor.

(M) An associate professional clinical counselor, as specified in Chapter 16 (commencing with Section 4999.10).

(N) A professional clinical counselor trainee, as specified in Chapter 16 (commencing with Section 4999.10).

(2) "Sexual behavior" means inappropriate contact or communication of a sexual nature. "Sexual behavior" does not include the provision of appropriate therapeutic interventions relating to sexual issues.

~~(2)~~ (3) "Sexual contact" means the touching of an intimate part of another person.

~~(3)~~ (4) "Intimate part" and "touching" have the same **meaning meanings** as defined in subdivisions (g) and (e), respectively, of Section 243.4 of the Penal Code.

~~(4)~~ (5) "The course of a prior treatment" means the period of time during which a **patient client** 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 client** as being within his or her scope of practice, until the ~~psychotherapist-patient~~ **psychotherapist-client** relationship is terminated.

**SEC. 2.** Section 2290.5 of the Business and Professions Code is amended to read:

**2290.5.** (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) ~~A~~ **An associate** marriage and family therapist ~~intern or~~ **or marriage and family therapist** trainee functioning pursuant to Section ~~4980.43~~ **4980.43.3**.

(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.

**SEC. 2.5. Section 2290.5 of the Business and Professions Code is amended to read:**

**2290.5.** (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) ~~A~~ *An associate* marriage and family therapist ~~intern or~~ *or marriage and family therapist* trainee functioning pursuant to Section ~~4980.43~~ *4980.43.3*.

(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.

**SEC. 3.** Section 4980.01 of the Business and Professions Code is amended to read:

**4980.01.** (a) ~~Nothing in this~~ *This* chapter shall *not* be construed to constrict, limit, or withdraw the Medical Practice Act, the Social Work Licensing Law, the Nursing Practice Act, the Licensed Professional Clinical Counselor Act, or the Psychology Licensing Act.

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

(c) (1) This chapter shall not apply to an employee working in any of the following settings if his or her work is performed solely under the supervision of the employer:

(A) A governmental entity.

(B) A school, college, or university.

(C) An institution that is both nonprofit and charitable.

(2) This chapter shall not apply to a volunteer working in any of the settings described in paragraph (1) if his or her work is performed solely under the supervision of the entity, school, or institution.

(d) A marriage and family therapist licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care ~~practitioner~~ *provider* subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.

(e) Notwithstanding subdivisions (b) and (c), all persons registered as ~~interns~~ *associates* or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

**SEC. 4.** Section 4980.03 of the Business and Professions Code is amended to read:

**4980.03.** (a) "Board," as used in this chapter, means the Board of Behavioral Sciences.

(b) ~~"Intern,"~~ *"Associate,"* as used in this chapter, means an unlicensed person who has earned his or her master's or doctoral degree qualifying him or her for licensure and is registered with the ~~board.~~ *board as an associate.*

(c) "Trainee," as used in this chapter, means an unlicensed person who is currently enrolled in a master's or doctoral degree program, as specified in Sections 4980.36 and 4980.37, that is designed to qualify him or her for

licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(d) ~~"Applicant,"~~ *"Applicant for licensure,"* as used in this chapter, means an unlicensed person who has completed ~~a master's or doctoral degree program, as specified in Sections 4980.36 and 4980.37, and whose application for registration as an intern is pending, or an unlicensed person who has completed the requirements for licensure as specified in this chapter, is no longer registered with the board as an intern, and is currently in the examination process.~~ *the required education and required hours of supervised experience for licensure.*

(e) "Advertise," as used in this chapter, includes, but is not limited to, any public communication, as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(f) "Experience," as used in this chapter, means experience in interpersonal relationships, psychotherapy, marriage and family therapy, direct *clinical* counseling, and nonclinical practice that satisfies the requirements for licensure as a marriage and family ~~therapist pursuant to Section 4980.40.~~ *therapist.*

(g) "Supervisor," as used in this chapter, means an individual who meets all of the following requirements:

*(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:*

*(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, or equivalent out-of-state license.*

~~(1) (B) Has been licensed by a state regulatory agency for at least two years as a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician. A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or an out-of-state licensed physician and surgeon who is~~ certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) If *the supervisor is* a licensed professional clinical counselor, ~~the individual shall meet the~~ *he or she has completed the* additional training and education requirements specified in *subparagraphs (A) to (C), inclusive, of* paragraph (3) of subdivision (a) of Section 4999.20.

*(3) For at least two years within the five-year period immediately preceding any supervision, has either practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.*

*(4) Has received training in supervision as specified in this chapter and by regulation.*

~~(3) (5) Has not provided therapeutic services to the~~ *trainee or intern.* *supervisee.*

~~(4) (6) Has~~ *and maintains* a current and ~~valid~~ *active* license that is not under suspension or ~~probation.~~ *probation as one of the following:*

*(A) A marriage and family therapist, professional clinical counselor, or clinical social worker, issued by the board.*

*(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).*

~~(5) (C) Complies with supervision requirements established by this chapter and by board regulations. A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.~~

*(7) Is not a spouse, domestic partner, or relative of the supervisee.*

*(8) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.*

(h) "Client centered advocacy," as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

**SEC. 5.** Section 4980.35 of the Business and Professions Code is amended to read:

**4980.35.** (a) The Legislature acknowledges that the basic obligation to provide a complete and accurate application for a marriage and family therapist license lies with the applicant. At the same time, the Legislature recognizes that an effort should be made by the board to ensure that persons who enter degree programs and supervisorial training settings that meet the requirements of this chapter are enabled to discern the requirements for licensing and to take the examination when they have completed their educational and experience requirements.

(b) In order that the board, the educational institutions, and the supervisors who monitor the education and experience of applicants ~~for licensure~~ may develop greater cooperation, the board shall do all of the following:

(1) Apply a portion of its limited resources specifically to the task of communicating information about its activities, the requirements and qualifications for licensure, and the practice of marriage and family therapy to the relevant educational institutions, supervisors, professional associations, applicants, trainees, ~~interns~~, *associates*, and the consuming public.

(2) Develop policies and procedures to assist educational institutions in meeting the curricula requirements of Sections 4980.36 and 4980.37 and any regulations adopted pursuant to those sections, so that those educational institutions may better provide assurance to their students that the curriculum offered to fulfill the educational requirements for licensure will meet those requirements at the time of the student's application for licensure.

(3) Notify applicants in the application procedure when applications are incomplete, inaccurate, or deficient, and inform applicants of any remediation, reconsideration, or appeal procedures that may be applicable.

(4) Undertake, or cause to be undertaken, further comprehensive review, in consultation with educational institutions, professional associations, supervisors, ~~interns~~, *associates*, and trainees, of the supervision of ~~interns~~ *associates* and trainees, which shall include, but not be limited to, the following, and shall propose regulations regarding the supervision of ~~interns~~ *associates* and trainees ~~which that~~ 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) Responsibilities of supervisors in general.

(E) The board's authority in cases of noncompliance or negligence by supervisors.

(F) The ~~intern's~~ *associate's* and trainee's need for guidance in selecting well-balanced and ~~high-quality~~ *high-quality* professional training opportunities within his or her community.

(G) The role of the supervisor in advising and encouraging his or her ~~intern~~ *associate* or trainee regarding the necessity or value and appropriateness of the ~~intern~~ *associate* or trainee engaging in personal psychotherapy, so as to enable the ~~intern~~ *associate* or trainee to become a more competent marriage and family therapist.

**SEC. 6.** Section 4980.397 of the Business and Professions Code is amended to read:

**4980.397.** (a) ~~Effective January 1, 2016,~~ *A registrant or* an applicant for licensure as a marriage and family therapist shall pass the following two examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination.

(b) Upon registration with the board, ~~a~~ *an associate* marriage and family therapist ~~intern~~ shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant *or an applicant for licensure* may take the clinical examination only upon meeting all of the following requirements:

- (1) Completion of all required supervised work experience.
- (2) Completion of all education requirements.
- (3) Passage of the California law and ethics examination.

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

**SEC. 7.** Section 4980.399 of the Business and Professions Code is amended to read:

**4980.399.** (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 registration renewal.

~~(c) Notwithstanding subdivision (b), an applicant who holds a registration eligible for renewal, with an expiration date no later than June 30, 2016, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, shall, if eligible, be allowed to renew the registration without first participating in the California law and ethics examination. These applicants shall participate in the California law and ethics examination in the next renewal cycle, and shall pass the examination prior to licensure or issuance of a subsequent registration number, as specified in this section.~~

~~(d)~~ (c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application except as provided in subdivision ~~(e)~~: (d).

~~(e)~~ (d) If a registrant fails to obtain a passing score on the California law and ethics examination ~~described in subdivision (a)~~ 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.

~~(f)~~ (e) The board shall not issue a subsequent registration number unless the *registrant applicant* has passed the California law and ethics examination.

~~(g) Notwithstanding subdivision (f), an applicant who holds or has held a registration, with an expiration date no later than January 1, 2017, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, shall, if eligible, be allowed to obtain the subsequent registration number without first passing the California law and ethics examination. These applicants shall pass the California law and ethics examination during the next renewal period or prior to licensure, whichever occurs first.~~

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

**SEC. 8.** Section 4980.40 of the Business and Professions Code is amended to read:

**4980.40.** ~~To qualify for a license, an applicant shall have~~ *An applicant for licensure shall satisfy* all of the following qualifications:

- (a) Meet the educational requirements of Section 4980.36 or both Sections 4980.37 and 4980.41, as applicable.
- (b) Be at least 18 years of age.
- (c) Have at least two years of ~~experience that meet the requirements of Section 4980.43.~~ *supervised experience as specified in this chapter and its corresponding regulations.*
- (d) ~~Effective January 1, 2016, successfully~~ *Successfully* pass a California law and ethics examination and a clinical examination. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

(e) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

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

**SEC. 9.** Section 4980.42 of the Business and Professions Code is amended to read:

**4980.42.** (a) Trainees performing services in any work setting specified in ~~subdivision (e) of Section 4980.43~~ *Section 4980.43.3* may perform those activities and services as a trainee, provided that the activities and services constitute part of the trainee's supervised course of study and that the person is designated by the title "trainee."

(b) Trainees subject to Section 4980.37 may gain hours of experience and counsel clients outside of the required practicum. This subdivision shall apply to hours of experience gained and client counseling provided on and after January 1, 2012.

(c) Trainees subject to Section 4980.36 may gain hours of experience outside of the required practicum but must be enrolled in a practicum course to counsel clients. Trainees subject to Section 4980.36 may counsel clients while not enrolled in a practicum course if the period of lapsed enrollment is less than 90 calendar days, and if that period is immediately preceded by enrollment in a practicum course and immediately followed by enrollment in a practicum course or completion of the degree program.

(d) All hours of experience gained pursuant to subdivisions (b) and (c) shall be subject to the other requirements of this chapter.

(e) All hours of experience gained as a trainee shall be coordinated between the school and the site where the hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site. If an applicant has gained hours of experience while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those hours of trainee experience were gained in compliance with this section.

**SEC. 10.** Section 4980.43 of the Business and Professions Code is amended to read:

**4980.43.** (a) *Except as provided in subdivision (b), all applicants shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.*

(b) (1) *Preregistered postdegree hours of experience shall be credited toward licensure if all of the following apply:*

(A) *The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's degree or doctoral degree.*

(B) *For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed Live Scan fingerprinting. The applicant shall provide the board with a copy of that completed State of California "Request for Live Scan Service" form with his or her application for licensure.*

(C) *The board subsequently grants the associate registration.*

(2) *The applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.*

~~(a) (c) To qualify for licensure as specified in Section 4980.40, each applicant shall complete experience supervised experience that is obtained for purposes of qualifying for licensure shall be~~ related to the practice of marriage and family therapy ~~under a supervisor who meets the qualifications set forth in Section 4980.03. The experience shall and~~ comply with the following:

(1) A minimum of 3,000 hours ~~of supervised experience~~ completed during a period of at least 104 weeks.

(2) A maximum of 40 hours in any seven consecutive days.



- (3) A minimum of 1,700 hours obtained after the qualifying master's or doctoral degree was awarded.
- (4) A maximum of 1,300 hours obtained prior to the award date of the qualifying master's or doctoral degree.
- (5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master's or doctoral degree.
- (6) ~~No hours~~ *Hours* of experience ~~may~~ *shall not* be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction.
- (7) ~~No hours~~ *Hours* of experience ~~may be~~ *shall not have been* gained more than six years prior to the date the application for ~~examination eligibility was filed,~~ *licensure was received by the board,* except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.
- (8) A minimum of 1,750 hours of direct *clinical* counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.
- (9) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant's supervisor.
- (10) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This subdivision shall only apply to hours gained on and after January 1, 2010.

~~(b)~~ *(d)* An individual who submits an application for ~~examination eligibility~~ *licensure* between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements *of this section* that were in place on January 1, 2015.

~~(c) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by an intern or trainee only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Associates and trainees shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.~~

~~(1) If employed, an intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure.~~

~~(2) If volunteering, an intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure.~~

~~(d) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (9) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:~~

~~(1) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) An individual supervised after being granted a qualifying degree shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact is gained in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.~~

~~(4) Direct supervisor contact shall occur within the same week as the hours claimed.~~

~~(5) Direct supervisor contact provided in a group shall be provided in a group of not more than eight supervisees and in segments lasting no less than one continuous hour.~~

~~(6) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two way, real time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.~~

~~(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.~~

~~(8) The six hours of supervision that may be credited during any single week pursuant to paragraphs (1) and (2) shall apply to supervision hours gained on or after January 1, 2009.~~

~~(e) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:~~

~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~

~~(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.~~

~~(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed professional clinical counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

~~(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.~~

~~(f) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:~~

~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~

~~(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.~~

~~(2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (e), until registered as an intern.~~

~~(3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.~~

~~(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee that has satisfied subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.~~

~~(5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.~~

~~(g) Except as provided in subdivision (h), all persons shall register with the board as an intern to be credited for postdegree hours of supervised experience gained toward licensure.~~

~~(h) Postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctoral degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.~~

~~(i) Trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.~~

~~(j) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are~~

~~performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. For purposes of paragraph (3) of subdivision (a) of Section 2290.5, interns and trainees working under licensed supervision, consistent with subdivision (c), may provide services via telehealth within the scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.~~

~~(k) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered employees and not independent contractors. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.~~

~~(l) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.~~

**SEC. 11.** *Section 4980.43.1 is added to the Business and Professions Code, to read:*

**4980.43.1.** *(a) All trainees, associates, and applicants for licensure shall be under the supervision of a supervisor at all times.*

*(b) As used in this chapter, the term "supervision" means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, all of the following:*

*(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.*

*(2) Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.*

*(3) Monitoring and evaluating the supervisee's ability to provide services at the site or sites where he or she is practicing and to the particular clientele being served.*

*(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or practitioner-patient relationship.*

*(5) Ensuring the supervisee's compliance with laws and regulations governing the practice of marriage and family therapy.*

*(6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.*

*(7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.*

**SEC. 12.** *Section 4980.43.2 is added to the Business and Professions Code, to read:*

**4980.43.2.** *(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (9) of subdivision (a) of Section 4980.43, direct supervisor contact shall occur as follows:*

*(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.*

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Notwithstanding subdivision (b), an associate working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(e) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (9) of subdivision (a) of Section 4980.43, shall be at the supervisor's discretion.

**SEC. 13.** Section 4980.43.3 is added to the Business and Professions Code, to read:

**4980.43.3.** (a) A trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4980.02, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the W-2 tax forms for each year of experience claimed.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.

(b) (1) A trainee shall not perform services in a private practice. A trainee may be credited with supervised experience completed in a setting that meets all of the following:

(A) Is not a private practice.

(B) Lawfully and regularly provides mental health counseling or psychotherapy.

(C) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4980.02.

(2) Only experience gained in the position for which the trainee volunteers or is employed shall qualify as supervised experience.

(c) An associate may be credited with supervised experience completed in any setting that meets both of the following:

(1) Lawfully and regularly provides mental health counseling or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4980.02.

(3) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

(4) An applicant for registration as an associate shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

(d) 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, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(e) A trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.

(f) A trainee, associate, or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(g) A trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payment received was for reimbursement of expenses actually incurred.

(h) A trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payment received was for the specified purposes.

(i) An associate or a trainee may provide services via telehealth that are in the scope of practice outlined in this chapter.

(j) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and trainees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate counseling or psychotherapy at a reasonable cost.

**SEC. 14.** Section 4980.43.5 is added to the Business and Professions Code, to read:

**4980.43.5.** The board may audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for seven years after termination of the supervision and shall make these records available to the board for auditing purposes upon request.

**SEC. 15.** Section 4980.44 of the Business and Professions Code is amended to read:

**4980.44.** An ~~unlicensed~~ associate marriage and family therapist employed under this chapter shall comply with the following requirements:

~~(a) Possess, at a minimum, a master's degree as specified in Section 4980.36 or 4980.37, as applicable.~~

~~(b) Register with the board prior to performing any duties, except as otherwise provided in subdivision (h) of Section 4980.43.~~

~~(c) (a) Prior to performing any professional services, inform each client or patient~~ *Inform each client or patient prior to performing any mental health and related services* that he or she is an unlicensed registered associate marriage and family therapist, provide his or her registration number and the name of his or her employer, and indicate whether he or she is under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, ~~licensed psychologist,~~ *psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900),* or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

~~(d) (b)~~ (1) Any advertisement by or on behalf of a registered associate marriage and family therapist shall include, at a minimum, all of the following information:

(A) That he or she is a registered associate marriage and family therapist.

(B) The associate's registration number.

(C) The name of his or her employer.

(D) That he or she is supervised by a licensed person.

(2) The abbreviation "AMFT" shall not be used in an advertisement unless the title "registered associate marriage and family therapist" appears in the advertisement.

**SEC. 16.** Section 4980.45 of the Business and Professions Code is amended and renumbered to read:

~~4980.45. 4980.43.4.~~ (a) A ~~licensed professional in private practice who has satisfied the requirements of subdivision (g) of Section 4980.03 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.~~ *trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where his or her employer regularly conducts business and services.*

~~(b) A marriage and family therapy corporation may employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (g) of Section 4980.03. In no event shall any marriage and family therapy corporation employ, at any one time, more than a total of 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the marriage and family therapy corporation and shall~~ *An associate who is employed or volunteering in a private practice shall be supervised by an individual who is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and* be actively engaged in performing professional services at ~~and for the marriage and family therapy corporation. Employment and supervision within a marriage and family therapy corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.~~ *the site.*

~~(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. Supervisees may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.~~

~~(d) In a setting that is not a private practice:~~

~~(1) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

~~(2) A supervisor shall evaluate the site or sites where a trainee or associate will be gaining experience to determine that the site or sites comply with the requirements set forth in this chapter.~~

~~(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.~~

**SEC. 17.** Section 4980.50 of the Business and Professions Code is amended to read:

~~4980.50. Effective January 1, 2016, the following shall apply:~~

(a) Every applicant who meets the educational and experience requirements and applies for a license as a marriage and family therapist shall be examined by the board. The examinations shall be as set forth in subdivision (d) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The board shall not deny any ~~applicant,~~ *applicant* who has submitted a complete application for examination, admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(d) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(f) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(g) ~~Effective January 1, 2016, no applicant shall~~ *An applicant for licensure shall not* be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.

(h) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(i) An applicant *for licensure* who has qualified pursuant to this chapter shall be issued a license as a marriage and family therapist in the form that the board ~~may deem~~ *deems* appropriate.

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

**SEC. 18.** Section 4980.78 of the Business and Professions Code is amended to read:

**4980.78.** (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~~ *associate*.

(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 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~~ *associate*.

(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~~ *associate*.

(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~~ *associate*, unless otherwise specified.

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

**SEC. 18.5. Section 4980.78 of the Business and Professions Code is amended to read:**



**4980.78.** (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 *units* or 90 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 ~~intern~~ *associate*.

(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 *units* 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 *units* 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~~ *associate*.

(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~~ *associate*.

(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,~~ *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~~, *associate*, unless otherwise specified.

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

**SEC. 19.** Section 4980.79 of the Business and Professions Code is amended to read:

**4980.79.** (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~~, *associate*.

(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 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 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~~, *associate*.

(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~~, *associate*.

(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~~ *associate*.

(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~~ *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~~ *associate*, unless otherwise specified.

**SEC. 19.5.** *Section 4980.79 of the Business and Professions Code is amended to read:*

**4980.79.** (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 *units* or 90 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 ~~intern~~ *associate*.

(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 *units* 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~~ *associate*.

(D) Twelve semester *units* 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~~ *associate*.

(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~~ *associate*.

(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~~ *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~~ *associate*, unless otherwise specified.

**SEC. 20.** Section 4982 of the Business and Professions Code is amended to read:

**4982.** The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

(d) Gross negligence or incompetence in the performance of marriage and family therapy.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage and family therapist.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any ~~trainee or registered intern~~ *trainee, registered associate, or applicant for licensure* under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

(r) Any conduct in the supervision of any registered ~~intern, associate clinical social worker, or trainee~~ *associate, trainee, or applicant for licensure* by any licensee that violates this chapter or any rules or regulations adopted by the board.

(s) Performing or holding oneself out as being able to perform ~~professional~~ *mental health* services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a ~~trainee or registered intern~~ *trainee, registered associate, or applicant for licensure* under one's supervision or control to perform, or permitting the ~~trainee or registered intern~~ *trainee, registered associate, or applicant for licensure* to hold himself or herself out as competent to perform, ~~professional~~ *mental health* services beyond the ~~trainee's or registered intern's~~ *trainee's, registered associate's, or applicant for licensure's* level of education, training, or experience.

(u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(x) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(y) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(z) Failure to comply with Section 2290.5.

(aa) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(ab) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

**SEC. 21.** Section 4982.15 of the Business and Professions Code is amended to read:

**4982.15.** (a) The board may place a license or registration on probation under the following circumstances:

(1) In lieu of, or in addition to, any order of the board suspending or revoking the license or registration of any licensee or ~~intern~~ *associate*.

(2) Upon the issuance of a license to an individual who has been guilty of unprofessional conduct, but who had otherwise completed all education and training and experience required for licensure.

(3) As a condition upon the reissuance or reinstatement of any license that has been suspended or revoked by the board.

(b) The board may adopt regulations establishing a monitoring program to ensure compliance with any terms or conditions of probation imposed by the board pursuant to subdivision (a). The cost of probation or monitoring may be ordered to be paid by the licensee, registrant, or applicant.

(c) The board, in its discretion, may require any licensee or registrant who has been placed on probation, or whose license or registration has been suspended, to obtain additional professional training, and to pass an examination upon completion of that training, and to pay any necessary examination fee. The examination may be written, oral, or a practical or clinical examination.

**SEC. 22.** Section 4984.01 of the Business and Professions Code is amended to read:

**4984.01.** (a) The *associate* marriage and family therapist ~~intern~~ 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) 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 ~~intern~~ *associate* registration number if the applicant meets the educational requirements for ~~registration in effect at the time of the application for a subsequent intern~~ a *subsequent associate* registration number and has passed the California law and ethics ~~examination described in Section 4980.399~~ examination. An applicant who is issued a subsequent ~~intern~~ *associate* 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.~~

**SEC. 22.5.** Section 4984.01 of the Business and Professions Code is amended to read:

**4984.01.** (a) The *associate* marriage and family therapist ~~intern~~ 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) to (4), inclusive, 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 ~~intern associate~~ registration number if the applicant meets the educational requirements for ~~registration in effect at the time of the application for a subsequent intern~~ a subsequent associate registration number and has passed the California law and ethics ~~examination described in Section 4980.399-~~ examination. An applicant who is issued a subsequent ~~intern associate~~ 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.~~

**SEC. 23.** Section 4984.7 of the Business and Professions Code is amended to read:

**4984.7.** (a) The board shall assess the following fees relating to the licensure of marriage and family therapists:

- (1) The application fee for an associate registration shall be seventy-five dollars (\$75).
  - (2) The renewal fee for an associate registration shall be seventy-five dollars (\$75).
  - (3) The fee for the application for licensure shall be one hundred dollars (\$100).
  - (4) The fee for the clinical examination shall be one hundred dollars (\$100). The fee for the California law and ethics examination shall be one hundred dollars (\$100).
  - (A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.
  - (B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.
  - (5) The fee for rescoring an examination shall be twenty dollars (\$20).
  - (6) The fee for *the* issuance of an initial license shall be a maximum of one hundred eighty dollars (\$180).
  - (7) The fee for license renewal shall be a maximum of one hundred eighty dollars (\$180).
  - (8) The fee for inactive license renewal shall be a maximum of ninety dollars (\$90).
  - (9) The renewal delinquency fee shall be a maximum of ninety dollars (\$90). A person who permits his or her license to expire is subject to the delinquency fee.
  - (10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).
  - (11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).
  - (12) The fee for issuance of a retired license shall be forty dollars (\$40).
- (b) With regard to license, examination, and other fees, the board shall establish *the* fee amounts at or below the maximum amounts specified in this chapter.

**SEC. 24.** Section 4992.05 of the Business and Professions Code is amended to read:

**4992.05.** (a) ~~Effective January 1, 2016,~~ A *registrant or* an applicant for licensure as a clinical social worker shall pass the following two examinations as prescribed by the board:

- (1) A California law and ethics examination.
- (2) A clinical examination.

(b) Upon registration with the board, an associate clinical social worker ~~registrant shall,~~ *registrant,* within the first year of registration, *shall* take an examination on California law and ethics.



(c) A registrant *or an applicant for licensure* may take the clinical examination only upon meeting all of the following requirements:

- (1) Completion of all education requirements.
- (2) Passage of the California law and ethics examination.
- (3) Completion of all required supervised work experience.

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

**SEC. 25.** Section 4992.09 of the Business and Professions Code is amended to read:

**4992.09.** (a) Except as provided in subdivision (a) of Section 4992.07, an 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 registration renewal.

~~(c) Notwithstanding subdivision (b), an applicant who holds a registration eligible for renewal, with an expiration date no later than June 30, 2016, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, shall, if eligible, be allowed to renew the registration without first participating in the California law and ethics examination. These applicants shall participate in the California law and ethics examination in the next renewal cycle, and shall pass the examination prior to licensure or issuance of a subsequent registration number, as specified in this section.~~

~~(d)~~ (c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application except for as provided in subdivision ~~(e)~~: (d).

~~(e)~~ (d) If a registrant fails to obtain a passing score on the California law and ethics examination ~~described in subdivision (a)~~ 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.

~~(f)~~ (e) The board shall not issue a subsequent registration number unless the *registrant applicant* has passed the California law and ethics examination.

~~(g) Notwithstanding subdivision (f), an applicant who holds or has held a registration, with an expiration date no later than January 1, 2017, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, shall, if eligible, be allowed to obtain the subsequent registration number without first passing the California law and ethics examination. These applicants shall pass the California law and ethics examination during the next renewal period or prior to licensure, whichever occurs first.~~

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

**SEC. 26.** Section 4992.3 of the Business and Professions Code is amended to read:

**4992.3.** The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order

under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

(d) Incompetence in the performance of clinical social work.

(e) An act or omission that falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence.

(f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.

(g) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.

(h) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.

(i) Aiding or **abetting** *abetting, or employing, directly or indirectly,* any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(j) Intentionally or recklessly causing physical or emotional harm to any client.

(k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(l) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.

(m) Performing, or holding **one's self** *oneself* out as being able to perform, or offering to perform or permitting, any registered **associate clinical social worker or intern** *associate, trainee, or applicant for licensure* under supervision to perform any professional services beyond the scope of **one's competence, as established by one's education, training, or experience.** *This subdivision shall not be construed to expand the scope of the* **the** license authorized by this chapter.

(n) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(o) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(p) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (o).

(q) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(r) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device. A licensee shall limit access to that test or device to persons with professional interest who are expected to safeguard its use.

(s) Any conduct in the supervision of any registered **associate clinical social worker, intern, or trainee** *associate, trainee, or applicant for licensure* by any licensee that violates this chapter or any rules or regulations adopted by the board.

*(t) Performing or holding oneself out as being able to perform mental health services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.*

*(u) Permitting an applicant for licensure, trainee, or registrant under one's supervision or control to perform, or permitting the supervisee to hold himself or herself out as competent to perform, mental health services beyond the supervisee's level of education, training, or experience.*

*(v) The violation of any law governing the gaining or supervision of experience required by this chapter.*

**(t) (w)** Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

**(u) (x)** Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

**(v) (y)** Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

**(w) (z)** Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

**(x) (aa)** Failure to comply with Section 2290.5.

**(y) (ab)** (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

**(z) (ac)** Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

**SEC. 27.** Section 4996.17 of the Business and Professions Code is amended to read:

**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** *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~~ ~~3,000~~ 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~~ *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** *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 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.

**SEC. 27.1.** *Section 4996.17 of the Business and Professions Code is amended to read:*

**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** *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. *This coursework shall be completed before registration as an associate.*

(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** *3,000* 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** *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. *This coursework shall be completed before registration as an associate.*

(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** *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. *This coursework shall be completed before registration as an associate.*

(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 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.

**SEC. 27.2. Section 4996.17 of the Business and Professions Code is amended to read:**

**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 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 3,000** 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** *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** *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.

**SEC. 27.3.** *Section 4996.17 of the Business and Professions Code is amended to read:*

**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 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. *This coursework shall be completed before registration as an associate.*

(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 3,000** 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** *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. *This coursework shall be completed before registration as an associate.*

(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** *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. *This coursework shall be completed before registration as an associate.*

(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.

**SEC. 28.** Section 4996.18 of the Business and Professions Code is amended to read:

**4996.18.** (a) **A person who wishes to be credited with experience toward licensure requirements shall register** *All applicants shall have an active registration* with the board as an associate clinical social worker **prior to obtaining that experience. The application shall be made on a form prescribed by the board. in order to gain hours of supervised experience.**

(b) An applicant for registration shall satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work.

(2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.

(3) **Commencing January 1, 2014, have** *Have* completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers, including instruction in all of the following areas of study:

(A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.

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

(D) The psychotherapist-patient privilege, confidentiality, dangerous patients, 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.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage 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 a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) (d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(g) (e) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. 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 evaluation or accreditation.

(h) (f) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee. *All applicants for licensure and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised and who shall be responsible to the board for compliance with all laws governing the practice of clinical social work.*

(i) (g) A registrant *All applicants and registrants* shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

**SEC. 28.5.** Section 4996.18 of the Business and Professions Code is amended to read:

**4996.18.** (a) *A person who wishes to be credited with experience toward licensure requirements shall register All applicants, except as provided in subdivision (b) of Section 4996.23, shall have an active registration* with the board as an associate clinical social worker *prior to obtaining that experience. The application shall be made on a form prescribed by the board. in order to gain hours of supervised experience.*

(b) An applicant for registration shall satisfy the following requirements:

- (1) Possess a master's degree from an accredited school or department of social work.
- (2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.
- (3) *Commencing January 1, 2014, have Have* completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers, including instruction in all of the following areas of study:
  - (A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.
  - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.
  - (C) The current legal patterns and trends in the mental health professions.
  - (D) The psychotherapist-patient privilege, confidentiality, dangerous patients, 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.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, *except as provided in subdivision (b) of Section 4996.23*, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage 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 a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) (d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(g) (e) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. 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 evaluation or accreditation.

(h) (f) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee. All applicants for licensure and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws governing the practice of clinical social work.

(i) (g) A registrant All applicants and registrants shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

**SEC. 29.** Section 4996.20 is added to the Business and Professions Code, to read:

**4996.20.** (a) "Supervisor," as used in this chapter, means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, or equivalent out-of-state license.

(B) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry

and Neurology.

(2) For at least two years within the five-year period immediately preceding any supervision, has either practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by associate clinical social workers, associate marriage and family therapists or trainees, or associate professional clinical counselors. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, or clinical social worker, issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(6) Is not a spouse, domestic partner, or relative of the supervisee.

(7) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.

(b) As used in this chapter, the term "supervision" means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience.

"Supervision" includes, but is not limited to, all of the following:

(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.

(2) Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.

(3) Monitoring and evaluating the supervisee's ability to provide services at the site or sites where he or she is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.

(5) Ensuring the supervisee's compliance with laws and regulations governing the practice of clinical social work.

(6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.

**SEC. 30.** Section 4996.21 is added to the Business and Professions Code, to read:

**4996.21.** The board may audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for seven years after termination of supervision and shall make these records available to the board for auditing purposes upon request.

**SEC. 31.** Section 4996.23 of the Business and Professions Code is amended to read:

**4996.23.** (a) To qualify for licensure as specified in Section 4996.2, licensure, each applicant shall complete 3,200 3,000 hours of post-master's degree supervised experience related to the practice of clinical social work. Experience shall not be gained until the applicant is registered as an associate clinical social worker. The experience shall comply with the following: be as follows:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a **licensed mental health professional acceptable to the board as defined by a regulation adopted by the board. physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), or licensed clinical social worker.**

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or **counseling. counseling; however, at least 750 hours shall be face-to-face individual or group psychotherapy provided in the context of clinical social work services.**

(3) A maximum of **1,200 1,000** hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

**(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.**

**(5) (4)** A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was **filed. received by the board.**

**(6) (5)** Experience shall not be credited for **No** more than 40 hours in any week. **of experience may be credited in any seven consecutive days.**

**(6) For hours gained on or after January 1, 2010, no more than six hours of supervision, whether individual, triadic, or group supervision, shall be credited during any single week.**

(b) An individual who submits an application for **examination eligibility licensure** between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements **of this section** that were in place on January 1, 2015.

(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.

(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.

(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.

(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).

(5) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.

(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.

(f) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(j) Associates shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(k) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(l) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

(m) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.

(n) An associate shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(o) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(p) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

**SEC. 31.5.** Section 4996.23 of the Business and Professions Code is amended to read:

**4996.23.** (a) To qualify for licensure as specified in Section 4996.2, *licensure*, each applicant shall complete ~~3,200~~ *3,000* hours of post-master's degree supervised experience related to the practice of clinical social work. *The experience shall comply with the following: Except as provided in subdivision (b), experience shall not be gained until the applicant is registered as an associate clinical social worker.*

*(b) Preregistered postdegree hours of experience shall be credited toward licensure if all of the following apply:*

*(1) The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's or doctoral degree.*

*(2) For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed live scan fingerprinting. The applicant shall provide the board with a copy of that completed "State of California Request for Live Scan Service" form with his or her application for licensure.*



*(3) The board subsequently grants the associate registration.*

*(c) The applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.*

*(d) The experience shall be as follows:*

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a **licensed mental health professional acceptable to the board as defined by a regulation adopted by the board. physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), or licensed clinical social worker.**

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or **counseling. counseling; however, at least 750 hours shall be face-to-face individual or group psychotherapy provided in the context of clinical social work services.**

(3) A maximum of **1,200 1,000** hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

**(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.**

**(5) (4)** A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was **filed. received by the board.**

**(6) (5)** Experience shall not be credited for **No** more than 40 hours in any week. **of experience may be credited in any seven consecutive days.**

**(6) For hours gained on or after January 1, 2010, no more than six hours of supervision, whether individual, triadic, or group supervision, shall be credited during any single week.**

**(b) (e)** An individual who submits an application for **examination eligibility licensure** between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements **of this section** that were in place on January 1, 2015.

**(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.**

**(d) (1)** Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.

**(2)** Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.

**(3)** An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

**(4)** Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).

**(5)** The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.

**(6)** Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.

(f) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(j) Associates shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(k) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(l) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

(m) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.

(n) An associate shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(o) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(p) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

**SEC. 32.** *Section 4996.23.1 is added to the Business and Professions Code, to read:*

**4996.23.1.** *(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (a) of Section 4996.23, direct supervisor contact shall occur as follows:*

*(1) Supervision shall include at least one hour of direct supervisor contact each week for which experience is credited in each work setting.*

*(2) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting.*

*(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:*

*(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.*

*(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.*

*(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.*

*(c) Direct supervisor contact shall occur within the same week as the hours claimed.*

*(d) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.*

*(e) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.*

*(f) Notwithstanding subdivision (b), an associate clinical social worker working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.*

*(g) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as described in paragraph (3) of subdivision (a) of Section 4996.23, shall be at the supervisor's discretion.*

**SEC. 32.5.** *Section 4996.23.1 is added to the Business and Professions Code, to read:*

**4996.23.1.** *(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (d) of Section 4996.23, direct supervisor contact shall occur as follows:*

*(1) Supervision shall include at least one hour of direct supervisor contact each week for which experience is credited in each work setting.*

*(2) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting.*

*(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:*

*(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.*

*(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.*

*(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.*

*(c) Direct supervisor contact shall occur within the same week as the hours claimed.*

*(d) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.*

*(e) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.*

*(f) Notwithstanding subdivision (b), an associate clinical social worker working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.*

*(g) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as described in paragraph (3) of subdivision (d) of Section 4996.23, shall be at the supervisor's discretion.*

**SEC. 33.** Section 4996.23.2 is added to the Business and Professions Code, to read:

**4996.23.2.** *(a) An associate clinical social worker or applicant for licensure shall only perform mental health and related services as an employee or as a volunteer, not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. An associate or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4996.9, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.*

*(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the corresponding W-2 tax forms for each year of experience claimed.*

*(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.*

*(b) "Private practice," for purposes of this chapter, is defined as a setting owned by a licensed clinical social worker, a licensed marriage and family therapist, a psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.*

*(c) Employment in a private practice shall not commence until the applicant has been registered as an associate clinical social worker.*

*(d) Experience shall only be gained in a setting that meets both of the following:*

*(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.*

*(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.*

*(e) Only experience gained in the position for which the associate clinical social worker volunteers or is employed shall qualify as supervised experience.*

*(f) Any experience obtained under the supervision of a spouse or relative by blood or marriage 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, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.*

*(g) An associate clinical social worker or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.*

*(h) An associate clinical social worker or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments received were for the specified purposes.*

*(i) An associate or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.*

*(j) An associate or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.*

*(k) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her supervisees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate counseling or psychotherapy at a reasonable cost.*

**SEC. 34.** Section 4996.23.3 is added to the Business and Professions Code, to read:

**4996.23.3.** *(a) An associate clinical social worker or an applicant for licensure shall only perform mental health and related services at the places where his or her employer regularly conducts business and services.*

*(b) An associate who is employed or volunteering in a private practice shall be supervised by an individual who is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and be actively engaged in performing professional services at the site.*

*(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. A supervisee may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.*

*(d) In a setting that is not a private practice:*

*(1) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.*

*(2) A supervisor shall evaluate the site or sites where an associate clinical social worker will be gaining experience to determine that the site or sites are in compliance with the requirements set forth in this chapter and regulations.*

*(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and by regulation.*

**SEC. 35.** Section 4996.24 of the Business and Professions Code is repealed.

**4996.24.** *(a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.*

*(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.*

*(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.*

**SEC. 36.** Section 4999.12 of the Business and Professions Code is amended to read:

**4999.12.** For purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Behavioral Sciences.

(b) "Accredited" means a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

(c) "Approved" means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant's graduation from the school, college, or university.

(d) "Applicant" "Applicant for licensure" means an unlicensed person who has completed a master's or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, and whose application for registration as an intern is pending or who has applied for examination eligibility, or an unlicensed person who has completed the requirements for licensure specified in this chapter and is no longer registered with the board as an intern. *the required education and required hours of supervised experience for licensure.*

(e) "Licensed professional clinical counselor" or "LPCC" means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.

(f) "Intern" "Associate" means an unlicensed person who meets the requirements of Section 4999.42 and is registered with the board.

(g) "Clinical counselor trainee" means an unlicensed person who is currently enrolled in a master's or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(h) "Approved supervisor" "Supervisor" means an individual who meets *all of* the following requirements:

*(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:*

*(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, or equivalent out-of-state license.*

*(1) (B) Has documented two years of clinical experience as a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.*

*(2) Has received professional training in supervision. If the individual is a licensed professional clinical counselor seeking to supervise an associate marriage and family therapist, a marriage and family therapist trainee, or an associate professional clinical counselor or licensee seeking experience to treat couples and families pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 4999.20, he or she shall meet the additional training and education requirements in subparagraphs (A) to (C), inclusive, of paragraph (3) of subdivision (a) of Section 4999.20.*

*(3) For at least two years within the five-year period immediately preceding any supervision, has either practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.*

*(4) Has received training in supervision as specified in this chapter and by regulation.*

*(3) (5) Has not provided therapeutic services to the clinical counselor trainee or intern. supervisee.*

*(4) (6) Has and maintains a current and valid active license that is not under suspension or probation. probation as one of the following:*

*(A) A marriage and family therapist, professional clinical counselor, or clinical social worker, issued by the board.*

*(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).*

*(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.*

*(7) Is not a spouse, domestic partner, or relative of the supervisee.*

*(8) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.*

(i) "Client centered advocacy" includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

(j) "Advertising" or "advertise" includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(k) "Referral" means evaluating and identifying the needs of a client to determine whether it is advisable to refer the client to other specialists, informing the client of that judgment, and communicating that determination as requested or deemed appropriate to referral sources.

(l) "Research" means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

(m) "Supervision" **includes the means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, all of the** following:

(1) Ensuring **that** the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the **person being supervised. supervisee.**

(2) **Reviewing client or patient records, monitoring and evaluating** *Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions of the clinical counselor trainee. and providing regular feedback.*

(3) Monitoring and evaluating the **ability of the intern or clinical counselor trainee supervisee's ability** to provide services **to the particular clientele** at the site or sites where he or she **will be practicing. is practicing and to the particular clientele being served.**

(4) *Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.*

(4) (5) Ensuring **the supervisee's** compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(6) *Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.*

(5) (7) **That amount of direct observation, With the client's written consent, providing direct observation** or review of audio or **videotapes of video recordings of the supervisee's** counseling or therapy, as deemed appropriate by the supervisor.

(n) "Clinical setting" means any setting that meets both of the following requirements:

(1) *Lawfully and regularly provides mental health counseling or psychotherapy.*

(2) *Provides oversight to ensure that the associate's work meets the experience and supervision requirements set forth in this chapter and in regulation and is within the scope of practice of the profession.*

(o) "Community mental health setting," means a clinical setting that meets all of the following requirements:

*(1) Lawfully and regularly provides mental health counseling or psychotherapy.*

*(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions.*

*(3) Clients receive coordinated care that includes the collaboration of mental health providers.*

*(4) Is not a private practice.*

**SEC. 37.** Section 4999.34 of the Business and Professions Code is repealed.

**4999.34.** A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:

*(a) Lawfully and regularly provides mental health counseling and psychotherapy.*

*(b) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.*

*(c) Is not a private practice.*

*(d) Experience may be gained by the clinical counselor trainee solely as part of the position for which the clinical counselor trainee volunteers or is employed.*

**SEC. 38.** Section 4999.36 of the Business and Professions Code is amended to read:

**4999.36.** (a) A clinical counselor trainee may perform activities and services provided that the activities and services constitute part of the clinical counselor trainee's supervised course of study and that the person is designated by the title "clinical counselor trainee."

(b) All practicum and field study hours gained as a clinical counselor trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site.

(c) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.

(d) A clinical counselor trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under supervision.

(e) No hours earned while a clinical counselor trainee may count toward the 3,000 hours of *required* postdegree *internship hours. supervised experience.*

*(f) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.*

**SEC. 39.** Section 4999.42 of the Business and Professions Code is amended to read:

**4999.42.** To *(a)* qualify for registration as an associate, an applicant shall have all of the following qualifications: *An applicant shall meet all of the following qualifications to qualify for registration as an associate:*

*(a) (1) The applicant shall have earned Earned* a master's or doctoral degree as specified in Section 4999.32 or 4999.33, as applicable. An applicant whose education qualifies him or her under Section 4999.32 shall also have completed the coursework or training specified in subdivision (e) of Section 4999.32.

*(2) Be at least 18 years of age.*



(b) (3) The applicant shall not *Not* have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(c) (b) The board shall not issue a registration to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

**SEC. 40.** Section 4999.44 of the Business and Professions Code is repealed.

**4999.44.** An intern may be credited with supervised experience completed in any setting that meets all of the following requirements:

(a) Lawfully and regularly provides mental health counseling or psychotherapy.

(b) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).

(c) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.

(d) An intern shall not be employed or volunteer in a private practice until registered as an intern.

**SEC. 41.** Section 4999.45 of the Business and Professions Code is repealed.

**4999.45.** (a) An intern employed under this chapter shall:

(1) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an intern.

(2) Not be employed or volunteer in a private practice until registered as an intern.

(3) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.

(4) Renew annually for a maximum of five years after initial registration with the board.

(b) When no further renewals are possible, an applicant may apply for and obtain a subsequent intern registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent intern registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

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

**SEC. 42.** Section 4999.455 of the Business and Professions Code is repealed.

**4999.455.** (a) A licensed professional in private practice who has satisfied the requirements of subdivision (h) of Section 4999.12 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.

(b) A professional clinical counselor corporation may employ, at any one time, no more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (h) of Section 4999.12. In no event shall any professional clinical counselor corporation employ, at any one time, more than 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the professional clinical counselor corporation and shall be actively engaged in performing professional services at and for the professional clinical counselor corporation. Employment and supervision within a professional clinical counselor corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

**SEC. 43.** Section 4999.46 of the Business and Professions Code is amended to read:

**4999.46.** (a) Except as provided in subdivision (b), all applicants shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.

(b) (1) Preregistered postdegree hours of experience shall be credited toward licensure if all of the following apply:

(A) The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's degree or doctoral degree.

(B) For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed Live Scan fingerprinting. The applicant shall provide the board with a copy of that completed State of California "Request for Live Scan Service" form with his or her application for licensure.

(C) The board subsequently grants the associate registration.

(2) The applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

(a) (c) To qualify for licensure as specified in Section 4999.50, applicants shall complete experience *Supervised experience that is obtained for the purposes of qualifying for licensure shall be* related to the practice of professional clinical counseling *under an approved supervisor. The experience shall* and comply with the following:

(1) A minimum of 3,000 postdegree hours *of supervised experience* performed over a period of not less than two years (104 weeks).

(2) Not more than 40 hours in any seven consecutive days.

(3) Not less than 1,750 hours of direct *clinical* counseling with individuals, groups, couples, or families *in a setting described in Section 4999.44* using a variety of psychotherapeutic techniques and recognized counseling *interventions within the scope of practice of licensed professional clinical counselors. interventions.*

(4) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section *1820 of Title 16 of the California Code of Regulations. 4999.12.*

(5) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to professional clinical counseling that have been approved by the applicant's supervisor.

(b) (d) An individual who submits an application for *examination eligibility licensure* between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements *of this section* that were in place on January 1, 2015.

(c) (e) *No hours of clinical mental health experience may be Experience hours shall not have been* gained more than six years prior to the date the application for *examination eligibility was filed. licensure was received by the board.*

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.

(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that

undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (5) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than six hours of supervision, whether individual or group, shall be credited during any single week. This paragraph shall apply to supervision hours gained on or after January 1, 2009.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained.

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

(4) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

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

**SEC. 44.** *Section 4999.46.1 is added to the Business and Professions Code, to read:*

**4999.46.1.** *(a) An associate or applicant for licensure shall be under the supervision of a supervisor at all times.*

*(b) As used in this chapter, the term "supervision" means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, all of the following:*

*(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.*

*(2) Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.*

*(3) Monitoring and evaluating the supervisee's ability to provide services at the site or sites where he or she is practicing and to the particular clientele being served.*

*(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or practitioner-patient relationship.*

*(5) Ensuring the supervisee's compliance with laws and regulations governing the practice of licensed professional clinical counseling.*

*(6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.*

*(7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.*

*(c) An associate shall do both of the following:*

*(1) Inform each client, prior to performing any professional services, that he or she is unlicensed and under supervision.*

*(2) Renew the registration 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.*

*(d) When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for a subsequent associate registration*

number and has passed the California law and ethics examination. An applicant issued a subsequent associate registration number shall not be employed or volunteer in a private practice.

**SEC. 45.** Section 4999.46.2 is added to the Business and Professions Code, to read:

**4999.46.2.** (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (5) of subdivision (c) of Section 4999.46, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual supervision, triadic supervision, or group supervision, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. The supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Notwithstanding subdivision (b), an associate working in a governmental entity, school, college, university, or institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(e) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (5) of subdivision (c) of Section 4999.46, shall be at the supervisor's discretion.

**SEC. 46.** Section 4999.46.3 is added to the Business and Professions Code, to read:

**4999.46.3.** (a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A clinical counselor trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4999.20, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the corresponding W-2 tax forms for each year of experience claimed.

*(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.*

*(b) A clinical counselor trainee shall not perform services in a private practice.*

*(c) A trainee shall complete the required predegree supervised practicum or field study experience in a setting that meets all of the following requirements:*

*(1) Is not a private practice.*

*(2) Lawfully and regularly provides mental health counseling or psychotherapy.*

*(3) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice of the profession, as defined in Section 4999.20.*

*(4) Only experience gained in the position for which the clinical counselor trainee volunteers or is employed shall qualify as supervised practicum or field study experience.*

*(d) (1) An associate may be credited with supervised experience completed in any setting that meets both of the following:*

*(A) Lawfully and regularly provides mental health counseling or psychotherapy.*

*(B) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4999.20.*

*(2) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.*

*(3) An applicant for registration as an associate shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.*

*(e) 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, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.*

*(f) A clinical counselor trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.*

*(g) A clinical counselor trainee, associate, or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.*

*(h) A clinical counselor trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.*

*(i) A clinical counselor trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments were for the specified purposes.*

*(j) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and trainees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate that counseling or psychotherapy at a reasonable cost.*

**SEC. 47.** Section 4999.46.4 is added to the Business and Professions Code, to read:

**4999.46.4.** (a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where his or her employer regularly conducts business and services.

(b) An associate who is employed or volunteering in a private practice shall be supervised by an individual who is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and be actively engaged in performing professional services at the site.

(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. A supervisee may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.

(d) In a setting that is not a private practice:

(1) A written oversight agreement, as specified in regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(2) A supervisor shall evaluate the site or sites where an associate will be gaining experience to determine that the site or sites provide experience that is in compliance with the requirements set forth in this chapter.

(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.

**SEC. 48.** Section 4999.46.5 is added to the Business and Professions Code, to read:

**4999.46.5.** The board may audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for seven years after termination of supervision and shall make these records available to the board for auditing purposes upon request.

**SEC. 49.** Section 4999.47 of the Business and Professions Code is repealed.

**4999.47.** (a) Clinical counselor trainees, interns, and applicants shall perform services only as an employee or as a volunteer.

The requirements of this chapter regarding gaining hours of clinical mental health experience and supervision are applicable equally to employees and volunteers. Associates and trainees shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(1) If employed, a clinical counselor intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure as a professional clinical counselor.

(2) If volunteering, a clinical counselor intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure as a professional clinical counselor.

(b) Clinical counselor trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

(c) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(d) Clinical counselor trainees, interns, and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those clinical counselor trainees, interns, and applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor.

(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(f) Clinical counselor trainees, interns, and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and supervisor in compliance with the laws and regulations pertaining to supervision. Clinical counselor trainees, interns, and applicants shall have no proprietary interest in the employer's business.

(g) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and clinical counselor trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

**SEC. 50.** Section 4999.50 of the Business and Professions Code is amended to read:

**4999.50.** (a) The board may issue a professional clinical counselor license to any person who meets all of the following requirements:

- (1) He or she has received a master's or doctoral degree described in Section 4999.32 or 4999.33, as applicable.
- (2) He or she has completed at least 3,000 hours of supervised experience in the practice of professional clinical counseling as provided in Section 4999.46. *counseling.*
- (3) He or she provides evidence of a passing score, as determined by the board, on the examinations designated in Section 4999.53.

(b) An applicant *for licensure* who has satisfied the requirements of this chapter shall be issued a license as a professional clinical counselor in the form that the board may deem appropriate. *counselor.*

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

**SEC. 51.** Section 4999.51 of the Business and Professions Code is amended to read:

**4999.51.** To qualify *An applicant* for licensure as a professional clinical counselor or registration as an *intern, applicants associate* shall meet the board's regulatory requirements for professional clinical counselor licensure or intern registration, as applicable, including the following: *satisfy the following qualifications:*

(a) *The applicant has not* *Not have* committed acts or crimes constituting grounds for denial of licensure under Section 480.

(b) *The board shall not issue a license or registration to any person who has* *Not have* been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(c) *The applicant has successfully passed a state and federal level criminal offender record information search conducted through the Department of Justice, as follows:*

(1) (c) *The board shall direct applicants to electronically submit to* *Have successfully passed a state and federal level criminal offender record information search conducted through* the Department of Justice *by submitting* fingerprint images and *related other* information *required by* *to* the Department of Justice for the purpose of obtaining information as to the existence and content of a record of *records of* state and federal level convictions and arrests and information as to the existence and content of a record of state or federal level arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal. *arrests. The board shall request the subsequent arrest notification service on all applicants, pursuant to Section 11105.2 of the Penal Code.*

(2) *The Department of Justice shall forward the fingerprint images and related information received pursuant to paragraph (1) to the Federal Bureau of Investigation and request a federal summary for criminal history information.*

(3) *The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.*

(4) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to paragraph (1).

(5) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.

**SEC. 52.** Section 4999.52 of the Business and Professions Code is amended to read:

**4999.52.** (a) Every applicant for a license as a professional clinical counselor shall be examined by the board. The board shall examine the candidate with regard to *take one or more examinations, as determined by the board, to ascertain* his or her knowledge and *knowledge*, professional skills and his or her *skills, and* judgment in the utilization of appropriate techniques and *methods. methods of professional clinical counseling.*

(b) The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine.

(c) The board shall not deny any applicant *admission to an examination* who has submitted a complete application for examination admission *to the licensure examinations required by this section* if the applicant meets the educational and experience requirements of this *chapter, chapter* and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(d) The board shall not deny any *applicant applicant*, whose application for licensure is *complete complete*, admission to the *examinations specified by paragraph (2) of subdivision (a) of Section 4999.53, clinical examination*, nor shall the board postpone or delay *this examination for any applicant any applicant's clinical examination* or delay informing the candidate of the results of *this the clinical* examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(e) If an applicant for the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, who has passed the California law and ethics examination, is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take this examination, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination, or the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, permission to retake either examination pending completion of the investigation of any complaints against the applicant.

(g) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

(h) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(i) On and after January 1, 2016, the examination specified by paragraph (2) of subdivision (a) of Section 4999.53 shall be passed within seven years of an applicant's initial attempt.

(j) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(k) (i) No applicant shall be eligible to participate in *If* the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, if he or she fails to obtain a passing score on this examination *4999.53 is not passed* within seven years from his or her initial attempt. *If the applicant fails to obtain a passing score within seven years of initial attempt, he or she of an applicant for licensure's initial attempt, the applicant* shall obtain a passing score on the current version of the California law and ethics examination in order to be eligible to retake this examination.

(l) (j) This section shall become operative on January 1, 2016. *A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.*

**SEC. 53.** Section 4999.55 of the Business and Professions Code is amended to read:



**4999.55.** (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 **participate in take** a board-administered California law and ethics examination prior to his or her registration renewal.

(c) **Notwithstanding subdivision (b), an applicant who holds a registration eligible for renewal, with an expiration date no later than June 30, 2016, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, shall, if eligible, be allowed to renew the registration without first participating in the California law and ethics examination. These applicants shall participate in the California law and ethics examination in the next renewal cycle, and shall pass the examination prior to licensure or issuance of a subsequent registration number, as specified in this section.**

(d) **(c)** If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application, except as provided in subdivision **(e). (d).**

**(e) (d)** If a registrant fails to obtain a passing score on the California law and ethics examination **described in subdivision (a)** within his or her renewal **period on or after the operative date of this section, period,** he or she shall complete, at minimum, a 12-hour course in California law and ethics **in order to be eligible to participate in the prior to retaking the board-administered** 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.

**(f) (e)** The board shall not issue a subsequent registration number unless the **registrant applicant** has passed the California law and ethics examination.

**(g) Notwithstanding subdivision (f), an applicant who holds or has held a registration, with an expiration date no later than January 1, 2017, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, shall, if eligible, be allowed to obtain the subsequent registration number without first passing the California law and ethics examination. These applicants shall pass the California law and ethics examination during the next renewal period or prior to licensure, whichever occurs first.**

**(h) This section shall become operative January 1, 2016.**

**SEC. 54.** Section 4999.62 of the Business and Professions Code is amended to read:

**4999.62.** (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 practicum, 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 (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 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** *described* 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** *described* 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.

**SEC. 54.1.** *Section 4999.62 of the Business and Professions Code is amended to read:*

**4999.62.** (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 practicum, 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 (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 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** *described* 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** *described* 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.

**SEC. 54.2.** *Section 4999.62 of the Business and Professions Code is amended to read:*

**4999.62.** (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 **practicum**, *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 (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 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** *described* 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** *described* 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.

**SEC. 54.3.** *Section 4999.62 of the Business and Professions Code is amended to read:*

**4999.62.** (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 **practicum, 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 (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 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** *described* 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** *described* 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.

**SEC. 55.** Section 4999.63 of the Business and Professions Code is amended to read:

**4999.63.** (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 practicum, 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 practicum 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 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 (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** *described* 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** *described* 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.

**SEC. 55.1.** *Section 4999.63 of the Business and Professions Code is amended to read:*

**4999.63.** (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 practicum, 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 practicum 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 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 (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 described** 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 described** 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.

**SEC. 55.2.** *Section 4999.63 of the Business and Professions Code is amended to read:*

**4999.63.** (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 *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 **practicum, 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 **practicum 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 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 (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** *described* 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** *described* 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.

**SEC. 55.3.** *Section 4999.63 of the Business and Professions Code is amended to read:*

**4999.63.** (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 *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 *practicum, 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 *practicum 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 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 (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** *described* 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** *described* 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.

**SEC. 56.** Section 4999.90 of the Business and Professions Code is amended to read:

**4999.90.** The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any **intern** *associate* or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022, or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a

- registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing licensed professional clinical counseling services.
- (d) Gross negligence or incompetence in the performance of licensed professional clinical counseling services.
- (e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.
- (f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.
- (g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use his or her license or registration.
- (h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.
- (i) Intentionally or recklessly causing physical or emotional harm to any client.
- (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a licensed professional clinical counselor.
- (l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee, applicant, or registrant under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional clinical counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of a registered **intern, associate clinical social worker, or clinical counselor trainee associate, trainee, or applicant** by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Performing or holding oneself out as being able to perform **professional mental health** services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.
- (t) Permitting a **clinical counselor trainee or intern trainee, associate, or applicant** under one's supervision or control to perform, or permitting the **clinical counselor trainee or intern trainee, associate, or applicant** to hold himself or herself out as competent to perform, **professional mental health** services beyond the **clinical counselor trainee's or intern's trainee's, associate's, or applicant's** level of education, training, or experience.

- (u) The violation of any statute or regulation **of the standards of the profession, and the nature of the services being rendered**, governing the gaining and supervision of experience required by this chapter.
- (v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (x) Failing to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (y) Repeated acts of negligence.
- (z) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.
- (2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.
- (aa) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.
- (ab) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a professional clinical counselor, clinical social worker, educational psychologist, or marriage and family therapist.
- (ac) Failing to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.
- (ad) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

**SEC. 57.** Section 124260 of the Health and Safety Code is amended to read:

**124260.** (a) As used in this section:

- (1) "Mental health treatment or counseling services" means the provision of outpatient mental health treatment or counseling by 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 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 Chapter 13.5 (commencing with Section 4989.10) 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 licensed under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.
  - (F) Any of the following persons, while working under the supervision of a licensed professional specified in Section 2902 of the Business and Professions Code:
    - (i) A registered psychologist, as defined in Section 2909.5 of the Business and Professions Code.
    - (ii) A registered psychological assistant, as defined in Section 2913 of the Business and Professions Code.
    - (iii) A psychology trainee, as defined in Section 1387 of Title 16 of the California Code of Regulations.



(G) A licensed clinical social worker, as defined in Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code.

(H) An associate clinical social worker, or a social work intern, as defined in Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in **paragraph (1) of subdivision (a) of Section 4996.23** **Section 4996.20** of the Business and Professions Code.

(I) A person registered as **a an associate** marriage and family therapist **intern**, or a marriage and family therapist trainee, 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.

(J) A board certified, or board eligible, psychiatrist.

(K) A licensed professional clinical counselor, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(L) A person registered as **a an associate professional** clinical counselor **intern**, or a clinical counselor trainee, 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.

(b) (1) Notwithstanding any provision of law to the contrary, a minor who is 12 years of age or older may consent to mental health treatment or counseling services if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently in the mental health treatment or counseling services.

(2) A marriage and family therapist trainee, a clinical counselor trainee, a psychology trainee, or a social work intern, as specified in paragraph (2) of subdivision (a), shall notify his or her supervisor or, if the supervisor is unavailable, an on-call supervisor at the site where the trainee or intern volunteers or is employed within 24 hours of treating or counseling a minor pursuant to paragraph (1). If upon the initial assessment of the minor the trainee or intern believes that the minor is a danger to self or to others, the trainee or intern shall notify the supervisor or, if the supervisor is unavailable, the on-call supervisor immediately after the treatment or counseling session.

(3) Nothing in paragraph (2) is intended to supplant, alter, expand, or remove any other reporting responsibilities required of trainees or interns under law.

(c) Notwithstanding any provision of law to the contrary, the mental health treatment or counseling of a minor authorized by this section shall include involvement of the minor's parent or guardian, unless the professional person who is treating or counseling the minor, after consulting with the minor, determines that 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.

(d) The minor's parent or guardian is 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.

(e) This section does not authorize a minor to receive convulsive treatment 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.

**SEC. 58. (a) Section 1.5 of this bill incorporates amendments to Section 728 of the Business and Professions Code proposed by both this bill and Assembly Bill 2968. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 728 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2968, in which case Section 1 of this bill shall not become operative.**

**(b) Section 2.5 of this bill incorporates amendments to Section 2290.5 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 2290.5 of the**

*Business and Professions Code, and (3) this bill is enacted after Senate Bill 1491, in which case Section 2 of this bill shall not become operative.*

*(c) Section 18.5 of this bill incorporates amendments to Section 4980.78 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4980.78 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1491, in which case Section 18 of this bill shall not become operative.*

*(d) Section 19.5 of this bill incorporates amendments to Section 4980.79 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4980.79 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1491, in which case Section 19 of this bill shall not become operative.*

*(e) Section 22.5 of this bill incorporates amendments to Section 4984.01 of the Business and Professions Code proposed by both this bill and Assembly Bill 2117. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4984.01 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2117, in which case Section 22 of this bill shall not become operative.*

*(f) Section 28.5 of this bill incorporates amendments to Section 4996.18 of the Business and Professions Code proposed by both this bill and Assembly Bill 456. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4996.18 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 456, in which case Section 28 of this bill shall not become operative.*

*(g) Section 31.5 of this bill incorporates amendments to Section 4996.23 of the Business and Professions Code proposed by both this bill and Assembly Bill 456. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4996.23 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 456, in which case Section 31 of this bill shall not become operative.*

*(h) Section 32.5 of this bill adds Section 4996.23.1 to the Business and Professions Code to properly reference amendments to Section 4996.23 of the Business and Professions Code proposed by Assembly Bill 456. Section 32.5 shall only become operative if (1) both bills are enacted, without regard to the order of enactment, and become effective on or before January 1, 2019, (2) each bill amends Section 4996.23 of the Business and Professions Code, and (3) this bill adds Section 4996.23.1 to the Business and Professions Code, in which case Section 32 of this bill shall not become operative.*

**SEC. 59.** *(a) (1) Section 27.1 of this bill incorporates amendments to Section 4996.17 of the Business and Professions Code proposed by both this bill and Assembly Bill 2117. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4996.17 of the Business and Professions Code, and (3) Senate Bill 1491 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2117, in which case Sections 27, 27.2, and 27.3 of this bill shall not become operative.*

*(2) Section 27.2 of this bill incorporates amendments to Section 4996.17 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4996.17 of the Business and Professions Code, (3) Assembly Bill 2117 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 1491 in which case Sections 27, 27.1, and 27.3 of this bill shall not become operative.*

*(3) Section 27.3 of this bill incorporates amendments to Section 4996.17 of the Business and Professions Code proposed by this bill, Assembly Bill 2117, and Senate Bill 1491. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 4996.17 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2117 and Senate Bill 1491, in which case Sections 27, 27.1, and 27.2 of this bill shall not become operative.*

*(b) (1) Section 54.1 of this bill incorporates amendments to Section 4999.62 of the Business and Professions Code proposed by both this bill and Assembly Bill 2296. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4999.62*

*of the Business and Professions Code, and (3) Senate Bill 1491 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2296, in which case Sections 54, 54.2, and 54.3 of this bill shall not become operative.*

*(2) Section 54.2 of this bill incorporates amendments to Section 4999.62 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4999.62 of the Business and Professions Code, (3) Assembly Bill 2296 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 1491 in which case Sections 54, 54.1, and 54.3 of this bill shall not become operative.*

*(3) Section 54.3 of this bill incorporates amendments to Section 4999.62 of the Business and Professions Code proposed by this bill, Assembly Bill 2296, and Senate Bill 1491. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 4999.62 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2296 and Senate Bill 1491, in which case Sections 54, 54.1, and 54.2 of this bill shall not become operative.*

*(c) (1) Section 55.1 of this bill incorporates amendments to Section 4999.63 of the Business and Professions Code proposed by both this bill and Assembly Bill 2296. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4999.63 of the Business and Professions Code, and (3) Senate Bill 1491 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2296, in which case Sections 55, 55.2, and 55.3 of this bill shall not become operative.*

*(2) Section 55.2 of this bill incorporates amendments to Section 4999.63 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4999.63 of the Business and Professions Code, (3) Assembly Bill 2296 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 1491 in which case Sections 55, 55.1, and 55.3 of this bill shall not become operative.*

*(3) Section 55.3 of this bill incorporates amendments to Section 4999.63 of the Business and Professions Code proposed by this bill, Assembly Bill 2296, and Senate Bill 1491. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 4999.63 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2296 and Senate Bill 1491, in which case Sections 55, 55.1, and 55.2 of this bill shall not become operative.*

**SEC. 60.** *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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7. Requires continuing professional development activities involving collaboration, mentoring, and peer discussion groups to take place with other licensees who are currently serving as a Board-qualified supervisor (**section 1834(c)**).

**Recommendation**

Conduct an open discussion about the proposed language. Direct staff to make any non-substantive changes and to pursue as a regulatory proposal.

**Attachment:** Proposed LMFT Supervision Language

## ATTACHMENT A

### Proposed Amendments to Title 16, California Code of Regulations

#### *LMFT Supervision Requirements*

The originally proposed regulations are in black ~~strikeout~~ and underline text, while the newly proposed changes are shown in ~~red strikeout~~ and red double underline.

### ARTICLE 4. LICENSED MARRIAGE AND FAMILY THERAPISTS (LMFT)

#### **§1833. EXPERIENCESUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION**

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

~~–(1) It, 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) 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 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)(a) Pursuant to section 4980.43.4 of the Business and Professions Code, 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 oversight agreement must shall be executed between the supervisor and the organization-employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

~~(1) The written oversight agreement shall be executed prior to commencement of supervision, in which the supervisor agrees and shall be submitted to the Board upon application for licensure.~~

~~(2) The agreement shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the intern or trainee-supervisee is consistent with the intern or trainee's-supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.~~

~~(3) The agreement shall contain an acknowledgment by the employer that the employer:~~

~~(4) (A) Is aware of the licensing requirements that must be met by the intern or trainee supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and~~

~~(2) (B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee-supervisee-, and~~

~~(C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.~~

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

(b) Effective January 1, ~~2020~~ 2021, supervisors shall complete and submit a self-assessment report ~~of~~ pertaining to the licensee's qualifications to be a supervisor, as specified in section 1833.1.

(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation shall complete a supervisory plan as required by subparagraph (3)(F), but are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

- (A) The ~~supervisor's licensee's~~ qualifications to be a supervisor as specified in section 1833.1, and in section 4980.03 of the Code.
- (B) The supervisor states that he or she understands the requirements pertaining to registration of the supervisee, work settings, ~~and~~ employment, supervision practices and oversight of supervisees as specified in sections ~~4980.43.1, 4980.43.2, 4980.43.3 and 4980.43.4 and 4980.43.5~~ of the Code.
- (C) The supervisor states that he or she understands the requirements pertaining to direct supervisor contact as specified in section 4980.43.2 of the Code.
- (D) The supervisor states that he or she understands the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements in this article and in the Code.
- (E) The supervisee states that he or she understands all of the following:
  - (i) Requirements pertaining to registration as an associate as specified in section 4980.43 of the Code.
  - (ii) The supervisee's supervisor must hold a current and active California license ~~that is not under suspension or probation~~ while supervising in order for hours to count toward licensure as specified in section 1833.1.
  - (iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.
  - (iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4980.43.3 of the Code.
  - (v) The six ~~(6)-year~~ age limit pertaining to experience hours as specified in section 4980.43 of the Code.
- (F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1833.1, and in section 4980.43.1 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

(e)(d) Effective January 1, 1991, ~~trainees~~ Trainees and ~~interns~~ associates shall maintain a weekly log of all hours of experience gained toward licensure. The log, ~~form #1800-37A-524~~

~~(REV 1/11) and form #1800-37A-524a (REV 1/11)~~ of hours shall be signed by the supervisor on a weekly basis. An applicant-associate or trainee shall retain all the signed 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. The log shall include all of the following:

- (1) The name and address of the supervisee's work setting.
- (2) Hours of experience gained ~~by per~~ category ~~in a given each~~ week.
- (3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:

- (1) The supervisor's telephone number and license information.
- (2) The supervisee's employer's name, address and telephone number.
- (3) Whether the supervisee's work setting complies with sections 4980.43.3 and 4980.43.4 of the Code.
- (4) If the supervisee was an associate at the time the experience was gained, documentation of employment or volunteer status, as specified in section 4980.43.3 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

*NOTE: Authority cited: Sections 4980.35 and 4980.60, Business and Professions Code.  
Reference: Sections 4980.03, 4980.35, 4980.40(f), and 4980.42 through 4980.45-4980.43.4, Business and Professions Code.*

### **§1833.1. REQUIREMENTS FOR SUPERVISORS**

(a) Any person supervising a trainee or an ~~intern~~-associate (hereinafter "supervisor") within California shall comply with the requirements below.

~~(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" (revised 3/10, form #1800-37A-523), hereby incorporated by reference, requiring that:~~

(1) The supervisor possesses and maintains a current valid and active California license that is not under suspension or probation as either a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician who is certified in psychiatry as specified in ~~Section~~ section 4980.03 (g) of the Code

and has been so licensed in California or in any other state for at least two (2) of the past five (5) years immediately 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 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.~~

(2) A supervisor who is not a licensed ~~as a~~ marriage and family therapist, shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.

(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep ~~The supervisor keeps~~ himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related issues that may affect supervision.

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

(56) ~~The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, associate clinical social workers, or professional clinical counselor interns~~ clinical supervision of marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program, or professional clinical counselor trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the students is substantially equivalent to the supervision required for registrants.

(67) ~~The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns~~ associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1834.

(A) ~~Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.~~

~~(B) Persons licensed by the board who provide supervision and who 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.~~

~~(78)~~ The supervisor knows and understands the ~~laws~~ statutes and regulations pertaining to both the supervision of trainees and ~~interns~~ associates and the experience required for licensure as a marriage and family therapist.

~~(89)~~ The supervisor shall ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the education, training, and experience of the trainee or ~~intern~~ associate supervisee.

~~(910)~~ The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the ~~trainee or intern~~ supervisee by review of progress notes, process notes and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor and with the client's written consent. ~~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.~~

(11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the trainee or associate at least once a year and at the completion or termination of supervision. The supervisor shall provide the trainee or associate with a copy of all assessments.

~~(40)~~(12) The supervisor shall ~~address with the trainee or intern the manner in which emergencies will be handled.~~ establish written procedures for trainees or associates to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist trainees or associates in handling crises and emergencies. The supervisor shall provide these procedures to the trainee or associate prior to the commencement of supervision.

~~(b) Each supervisor shall provide the trainee or intern with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" (revised 3/10, form #1800-37A-523) prior to the commencement of any counseling or supervision. Trainees and interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" (revised 3/10, form #1800-37A-523) from each supervisor upon application for examination eligibility.~~

~~(e)~~(b) A supervisor shall give at least one (1) week's prior written notice to a trainee or ~~intern~~ associate of the supervisor's intent not to sign for 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)~~(c) The supervisor shall obtain from each trainee or ~~intern~~ associate for whom supervision will be provided, the name, address, and telephone number of the trainee's or ~~intern's~~ associate's most recent supervisor and employer.

~~(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where a~~

~~trainee or intern will be gaining hours of experience toward licensure and shall determine that:~~  
~~(1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in section 1833 and section 4980.43 of the Code.~~

(d) Effective January 1, ~~2020~~ 2021, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

- (1) The ~~supervisor's licensee's~~ qualifications to be a supervisor as specified in section ~~1833.1 and section~~ 4980.03 of the Code.
- (2) The supervisor's telephone number and email address.
- (3) The date the licensee ~~initially~~ began supervising, ~~and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.~~
- (4) The ~~date the~~ supervisor's ~~compliance with completed~~ the training required by section 1834, ~~and the length of the course(s) taken.~~
- (5) The supervisor states that he or she understands all of the following:
  - (A) The supervisor's license must meet the supervisor ~~requirements qualifications set forth~~ in section ~~1833.1 and section~~ 4980.03 of the Code, for a supervisee's experience hours to be credited ~~toward licensure.~~
  - (B) The supervisee notification requirement set forth in paragraph (a)(5) of this section.
  - (C) The requirements set forth in section 4980.43.4 of the Code pertaining to the maximum number of registrants.
  - (D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4980.43.5 of the Code.
  - (E) The requirement to complete a supervision agreement for each supervisee as specified in section 1833.

(e) ~~New supervisors Licensees who have not previously served as a supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising,~~ shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(f) ~~Individuals Licensees~~ acting as a supervisor prior to January 1, ~~2020~~ 2021, shall submit a self-assessment report to the Board by December 31, ~~2020~~ 2021.

~~(f)~~(g) 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 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) (A).~~

*NOTE: Authority cited: Sections 4980.35, 4980.40, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, and 4980.42-4980.45 4980.43.1, 4980.43.3 and 4980.43.5, ~~4980.48, 4980.54, 4996.22 and 4999.76~~, Business and Professions Code.*

### **§1833.1.5 SUBSTITUTE SUPERVISORS**

- (a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.
- (b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1833, and the substitute supervisor shall sign the weekly log required by section 1833.
- (c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:
  - 1) A new supervisory plan ~~as specified in section 1833(c)(3)(F)~~ is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.
  - 2) The experience gained during that 30-day period may be verified ~~as specified in section 1833(e)~~ by the regular supervisor.
- (d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time ~~as required by section 1833.~~

NOTE: Authority cited: Sections 4990.20 and 4980.35, Business and Professions Code. Reference: Sections 4980.03, 4980.43 and 4980.43.4, Business and Professions Code.

### **§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA**

Experience gained outside of California ~~on or after January 1, 1994~~ must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred and possessed a current and active license or certification which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction, for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry ~~as specified in Section 4980.40(f) of the code by the American Board of Psychiatry and Neurology,~~ professional clinical counselor, ~~or a marriage and family therapist or similarly titled marriage and family practitioner,~~ or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

In a state or jurisdiction which does not license or certify 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 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.72, and 4980.74, ~~4980.40(f),~~*



### **§1834. SUPERVISOR TRAINING AND COURSEWORK**

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

- (a) Beginning January 1, ~~2019~~ 2020, supervisors licensees who commence supervision for the first time in California shall obtain fifteen (15) ~~contact~~ hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in ~~regulation Article 8~~. If taken from an acceptable continuing education provider ~~specified as acceptable by the Board in regulation~~, the training may apply towards the approved continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.
  - 1) The ~~training~~ content ~~of such training~~ shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:
    - (A) Competencies necessary for new supervisors;
    - (B) Goal setting and evaluation;
    - (C) The supervisor-supervisee relationship;
    - (D) California law and ethics, including legal and ethical issues related to supervision;
    - (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
    - (F) Contextual variables, such as treatment modality, work settings, and use of technology;
    - (G) Supervision theories and literature; and
    - (H) Documentation and record keeping of the supervisee's client files, as well as ~~documentation of~~ supervision.
  - 2) If taken from a government agency or from an acceptable continuing education provider ~~specified as acceptable by the board in regulation~~, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.
  - 3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or completed within 60 days after commencing supervision.
- (b) ~~A six (6)-hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least two (2) years within the five (5)-year period immediately preceding any supervision. A licensee who previously served as a board-qualified supervisor, but has not supervised for the past~~

two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision ~~in~~ during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and shall be documented records of completion shall be maintained as specified in section 4980.43.5 of the Code:

- 1) Training or coursework ~~directly covering specific to~~ the topic of supervision, obtained from a government agency or from an acceptable continuing education provider ~~specified as acceptable by the board in regulation~~. If taken from an acceptable continuing education provider ~~specified as acceptable by the board in regulation~~, it may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code;
- 2) Teaching a supervision course as ~~specified described~~ in subparagraph (1).
- 3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. ~~It~~ ~~This~~ shall not include personal opinion papers, editorials, or blogs.
- 4) Collaboration with another board licensee who also ~~qualifies serves~~ as a ~~board-qualified~~ supervisor through ~~the~~ use of mentoring or consultation.
- 5) Attendance at supervisor peer discussion groups with other board licensees who also ~~qualify serve~~ as ~~board-qualified~~ supervisors.

(d) (1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)
- (B) The American Board of Examiners in Clinical Social Work (ABECSW)
- (C) The California Association of Marriage and Family Therapists (CAMFT)
- (D) The Center for Credentialing and Education (CCE)

(2) ~~These licensees~~ Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two (2) of the past five (5) years immediately preceding any supervision.

(3)The board ~~may, in its sole discretion, shall~~ accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.

(e) The board shall not deny hours of experience gained towards licensure by any associate or

trainee due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

NOTE: Authority cited: Sections 4980.35 and 4990.20, Business and Professions Code.  
Reference: Sections 4980.03 and 4980.35, Business and Professions Code.

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**To:** Board Members **Date:** September 6, 2018  
**From:** Christy Berger **Telephone:** (916) 574-7817  
Regulatory Analyst  
**Subject: LCSW Supervision Regulations**

Proposed regulatory language for the LCSW profession is provided in **Attachment A**. Please refer to the cover memo pertaining to LPCC regulatory language for a background and description of the proposed changes, as the vast majority are the same across license types.

### **Originally Proposed Regulations**

The significant differences for LCSW are as follows:

- Modifies and expands upon the terms of the terms of the written agreement required between the employer and supervisor when the supervisor is not employed by the associate's employer.
- Requires a weekly log of hours earned to be signed by the supervisor (current requirement for LMFT and LPCC).
- Requires 6 hours of continuing professional development for supervisors every two years (6 hours of continuing education currently required for LMFT and LPCC).

### **New Proposed Changes to Original Regulations**

There are no significant differences from the LPCC language. However, the code sections modified are different, as indicated below:

1. Clarifies what is meant by "standards of practice of the profession" (legal requirements and ethics codes) in the written agreement between the employer and supervisor (**section 1869(a)**).
2. Removes a reference to the 6-year limit on experience hours and makes it generic in the event the statute specifying this requirement were to change (**section 1869(c)(3)(E)(v)**).
3. Requires the supervisor to provide associates with procedures regarding handling crises and emergencies, prior to the commencement of supervision (timing was previously unspecified) (**section 1870(d)**).
4. Requires additional information on the supervisor self-assessment report to help staff determine compliance with training requirements (**section 1870(g)(3)&(4)**).

5. Clarifies what is meant by “current best practices and current standards” (legal requirements, ethics codes and research on supervision) as it pertains to supervision training content (**section 1871(a)(1)**).
6. Clarifies that a 6-hour supervision training (refresher) course is required for a licensee who has previously served as a supervisor, but who has not supervised in the past 2 years (as opposed to “2 of the past 5 years”) (**section 1871(b)**).
7. Requires continuing professional development activities involving collaboration, mentoring, and peer discussion groups to take place with other licensees who are currently serving as a Board-qualified supervisor (**section 1871(c)**).

### **Recommendation**

Conduct an open discussion about the proposed language. Direct staff to make any non-substantive changes and to pursue as a regulatory proposal.

**Attachment:** Proposed LCSW Supervision Language

## ATTACHMENT A

### Proposed Amendments to Title 16, California Code of Regulations *LCSW Supervision Requirements*

The originally proposed regulations are in black ~~strikeout~~ and underline text, while the newly proposed changes are shown in ~~red strikeout~~ and red double underline.

#### ARTICLE 6. LICENSED CLINICAL SOCIAL WORKERS (LCSW)

##### **§1869. SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION**

- (a) Pursuant to section 4996.23.3 of the Business and Professions Code, in a setting which is not a private practice, a written oversight agreement shall be executed between the supervisor and the employer when the supervisor is not employed by the -supervisee's employer or is a volunteer.
- 1) The written oversight agreement shall be executed prior to the commencement of supervision ~~and shall be submitted to the Board upon application for licensure.~~
  - 2) The agreement shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.
  - 3) 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 supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements;
    - (B) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee; and
    - (C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.
- (b) Effective January 1, ~~2020~~ 2021, supervisors shall complete and submit a self-assessment report ~~of~~ pertaining to the licensee's qualifications to be a supervisor, as specified in section 1870.
- (c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

- (A) The ~~supervisor's licensee's~~ qualifications to be a supervisor as specified in section 1870, and in section 4996.20 of the Code.
- (B) The supervisor states that he or she understands the requirements pertaining to registration of the supervisee, work settings, ~~and~~ employment, supervision practices and oversight of supervisees as specified in sections 4996.18, 4996.23.2 and 4996.23.3 of the Code.
- (C) The supervisor states that he or she understands the requirements pertaining to direct supervisor contact as specified in section 4996.23.1 of the Code.
- (D) The supervisor states that he or she understands the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.
- (E) The supervisee states that he or she understands all of the following:
  - (i) Requirements pertaining to registration as an associate as specified in section 4996.18 of the Code.
  - (ii) The supervisee's supervisor must hold a current and active California license ~~that is not under suspension or probation~~ while supervising in order for hours to count toward licensure as specified in section 1870.
  - (iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.
  - (iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4996.23.2 of the Code.
  - (v) The ~~six (6)-year~~ age limit pertaining to experience hours as specified in section 4996.23 of the Code.
- (F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1870, and in section 4996.20 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

(d) Associates shall maintain a log of all hours of experience gained toward licensure. The log shall be signed by the supervisor on a weekly basis. An associate shall retain all logs until such time as the associate is licensed by the board. The board shall have the right to require an associate to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

- (1) The name and address of the supervisee's work setting



- (2) Hours of experience gained ~~by per~~ category ~~in a given each~~ week.
- (3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:

- (1) The supervisor's telephone number and license information.
- (2) The supervisee's employer's name, address and telephone number.
- (3) Whether the supervisee's work setting complies with section 4996.23.2 of the Code
- (4) Documentation of employment or volunteer status, as specified in section 4996.23.2 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.20, 4996.23, 4996.23.1 and 4996.23.2, Business and Professions Code.

### **§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS**

(a) Any person supervising an associate clinical social worker registered with the board (hereinafter called "supervisor") within California shall comply with the requirements set forth below.

~~(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522) hereby incorporated by reference, which requires that:~~

(1) The supervisor possesses and ~~will~~ maintains a current ~~valid~~ and active California license that is not under suspension or probation as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in ~~Section 1874~~ section 4996.20 of the Code, and has been so licensed in California or in any other state for a total of at least two (2) of the past five (5) years immediately prior to commencing any supervision.

~~(2) The supervisor has been so licensed in California or in any other state for a total of at least two (2) years prior to commencing any supervision.~~

(2) A supervisor who is not ~~a~~ licensed ~~as a~~ clinical social worker shall have sufficient experience, training and education in clinical social work to competently practice clinical social work in California.

(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep himself or herself informed of developments in clinical social work and in California law governing the practice of clinical social work.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related issues that may affect supervision.

~~(35)~~ The supervisor ~~has and will maintain a current license in good standing and will~~ immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to practice or supervise.

~~(46)~~ The supervisor has practiced psychotherapy or provided direct clinical supervision of associates clinical social workers, or associate marriage and family therapists, interns or marriage and family therapist trainees, or associate professional clinical counselors who perform psychotherapy, for at least two (2) years within the ~~last~~ last five (5) years period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program who perform psychotherapy, or professional clinical counselor trainees who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

~~(57)~~ The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1871.

~~(A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:~~

~~(i) Familiarity with supervision literature through reading assignments specified by course instructors;~~

~~(ii) Facilitation of therapist-client and supervisor-therapist relationships;~~

~~(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;~~

~~(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~

~~(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~

~~(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

~~(68) The supervisor knows and understands the laws statutes and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.~~

~~(79) The supervisor shall do all of the following:~~

~~(A) Ensure ensure that the extent, kind and quality of clinical social work performed by the associate supervisee is consistent with the education, training and experience of the person being supervised supervisee.~~

~~(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.~~

~~(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.~~

~~(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.~~

~~(8) The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.~~

~~(9) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

~~(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(4)(A).~~

~~(b) The supervisor shall monitor and evaluate the supervisee's extent, kind, and quality of counseling performed by the supervisee by review of progress notes, process notes, and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor and with the client's written consent.~~

~~(c) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate clinical social worker at least once a year and at the completion or termination of supervision. The supervisor shall provide the associate clinical social worker with a copy of all assessments.~~

(d) The supervisor shall establish written procedures for associate clinical social workers to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist associate clinical social workers in handling crises and emergencies. The supervisor shall provide these procedures to the associate clinical social worker prior to the commencement of supervision.

(a40e) A supervisor shall give at least one (1) week's written notice to an associate clinical social worker of the supervisor's intent not to sign for 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.

(a11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(f) The supervisor shall obtain from each associate clinical social worker or applicant for licensure for whom supervision will be provided, the name, address, and telephone number of the associate clinical social worker's or applicant for licensure's most recent supervisor and employer.

(g) Effective January 1, ~~2020~~ 2021, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

(1) The supervisor's licensee's qualifications to be a supervisor as specified in section 1870 and section 4996.20 of the Code.

(2) The supervisor's telephone number and email address.

(3) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.

(4) The date the supervisor's compliance with completed the training required by section 1871, and the length of the course(s) taken.

(5) The supervisor states that he or she understands all of the following.

(A) The supervisor's license must meet the supervisor requirements qualifications in section 1870 and section 4996.20 of the Code, for a supervisee's experience hours to be credited toward licensure.

(B) The supervisee notification requirement set forth in paragraph (a)(5) of this section.

(C) The requirements set forth in section 4996.23.3 of the Code pertaining to the maximum number of registrants.

(D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4996.21 of the Code.

(E) The requirement to complete a supervision agreement for each supervisee as

specified in section 1869.

(h) ~~New supervisors Licensees who have not previously served as a supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising,~~ shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(i) ~~Individuals Licensees~~ acting as a supervisor prior to January 1, ~~2020~~ 2021, shall submit a self-assessment report to the Board by December 31, ~~2020~~ 2021.

(a2i) 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.

*Note: Authority cited: Section ~~4980.60 and 4990.20~~, Business and Professions Code.*

*Reference: Sections ~~4980.54, 4996.22 and 4996.20~~, 4996.23, 4996.23.1, 4996.23.2 and 4996.23.3, Business and Professions Code.*

#### **§1870.1. SUPERVISORY PLAN-SUBSTITUTE SUPERVISORS**

~~(a) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874 who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800-37A-521, revised 3/10), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.~~

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1869, and the substitute supervisor shall sign the weekly log specified in section 1869.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

- 1) A new supervisory plan ~~as specified in section 1869(c)(3)(F)~~ is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.
- 2) The experience gained during that 30-day period may be verified ~~as specified in section 1869(e)~~ by the regular supervisor.

- (d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time ~~as required by section 1869.~~

*NOTE: Authority cited: Sections 4990.20, Business and Professions Code. Reference: Sections 4996.18-4996.20, 4996.23 and 4996.23.3, Business and Professions Code.*

#### **§1870.5. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA**

Experience gained outside of California must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license ~~or certification~~ which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry by the American Board of Psychiatry and Neurology, professional clinical counselor, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license ~~or certification~~ that allows the practitioner to independently provide clinical mental health services.

*Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.17 and 4996.20, Business and Professions Code.*

#### **§1871 SUPERVISOR TRAINING AND COURSEWORK**

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

- (a) Beginning January 1, ~~2019~~ 2020, ~~supervisors licensees~~ who commence supervision for the first time in California shall obtain fifteen (15) ~~contact~~ hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the board in ~~regulation Article 8~~. If taken from an ~~acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, ~~the~~ training may apply towards the ~~approved~~ continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.

(1) The ~~training~~ content ~~of such training~~ shall include, but not be limited to, current best practices and current ~~industry~~ standards, ~~which include legal requirements, professional codes of ethics, and research focused on supervision~~, regarding the following:

- (A) Competencies necessary for new supervisors;
- (B) Goal setting and evaluation;
- (C) The supervisor-supervisee relationship;
- (D) California law and ethics, including legal and ethical issues related to supervision;

- (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
- (F) Contextual variables, such as treatment modality, work settings, and use of technology;
- (G) Supervision theories and literature; and
- (H) Documentation and record keeping of the supervisee's client files, as well as ~~documentation of~~ supervision.

(2) If taken from a government agency or from an ~~an acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or completed within 60 days after commencing supervision.

~~(b) A six (6)-hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least two (2) years within the five (5)-year period immediately preceding any supervision. A licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.~~

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision ~~in during~~ each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and ~~shall be documented records of completion shall be maintained as specified in section 4996.21 of the Code:~~

- 1) Training or coursework ~~directly covering specific to~~ the topic of supervision, obtained from a government agency or from an ~~an acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~. If taken from an ~~acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, it may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code;
- 2) Teaching a supervision course as ~~specified described~~ in subparagraph (1).
- 3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. ~~# This~~ shall not include personal opinion papers, editorials, or blogs.
- 4) Collaboration with another ~~board~~ licensee who also ~~qualifies serves~~ as a ~~board-qualified~~ supervisor through ~~the~~ use of mentoring or consultation.
- 5) Attendance at supervisor peer discussion groups with other board licensees who also

qualify serve as board-qualified supervisors.

(d)(1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)
- (B) The American Board of Examiners in Clinical Social Work (ABECSW)
- (C) The California Association of Marriage and Family Therapists (CAMFT)
- (D) The Center for Credentialing and Education (CCE)

(2) ~~These licensees~~ Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board ~~may, in its sole discretion, shall~~ accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.

(e) The board shall not deny hours of experience gained towards licensure by any associate due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.20, Business and Professions Code.

#### **§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS**

~~For purposes of Section 4996.23 (a), 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 and family therapist, licensed professional clinical counselor or physician certified in psychiatry by the American Board of Psychiatry and Neurology.~~

~~Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.23, Business and Professions Code.~~





Board of Behavioral Sciences

# Memo

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**To:** Board Members

**Date:** September 6, 2018

**From:** Rosanne Helms  
Legislative Analyst

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

**Subject:** Legislative Update

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## BOARD-SPONSORED LEGISLATION

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The Board is sponsoring 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.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

2. **AB 2117 (Arambula): Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors**

The Board is proposing this bill to make some amendments to its licensing process. The bill will make amendments to specify how an expired registration may be renewed, and to supervised experience hours required for long term out-of-state license holders. It also makes some corrections to LCSW law regarding the California law and ethics exam and law and ethics coursework.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

3. **SB 1491 (Senate Business, Professions, and Economic Development Committee): Omnibus Legislation**

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

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

## BOARD-SUPPORTED LEGISLATION

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

This bill extends 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 an associate marriage and family therapist or an associate professional clinical counselor to count post degree hours of supervised experience before receiving a registration number, as long as they apply for their associate registration within 90 days of the granting of their qualifying degree. On or after January 1, 2020, in order to count supervised experience gained under the 90-day rule, the applicant must provide the Board with proof that the workplace required Live-Scan fingerprinting prior to the applicant gaining supervised experience hours.

At its May 11, 2018 meeting, the Board took a "support" position on this bill.

*Status: This bill has been signed by the Governor. (Chapter 158, Statutes of 2018)*

### 2. **AB 1436 (Levine): Board of Behavioral Sciences: Licensees: Suicide Prevention Training**

Beginning January 1, 2021, this bill would require applicants for any license with the Board of Behavioral Sciences to demonstrate completion of at least 6 hours of coursework or supervised experience in suicide risk assessment and intervention. Current licensees would also be required to demonstrate completion of this coursework or supervised experience in their first renewal period after this date.

At its May 11, 2018 meeting, the Board took a "support" position on this bill.

*Status: This is enrolled and is awaiting a decision by the Governor.*

### 3. **AB 2088 (Santiago): Patient Records: Addenda**

This bill would include minors in the allowance that any patient that inspects his or her patient records may provide a written addendum to the record for any item or statement that he or she believes is incomplete or incorrect. Currently, this provision is only allowed for adult patients.

At its May 11, 2018 meeting, the Board took a "support" position on this bill.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

### 4. **AB 2296 (Waldron): Licensed Professional Clinical Counselors: Licensed Clinical Social Workers**

This bill seeks to add LPCCs and LCSWs to areas of California law where other comparable licensed mental health professionals are included. It also makes some changes to the LPCC education requirements regarding core content areas of study.

At its May 11, 2018 meeting, the Board took a "support" position on this bill.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

**5. AB 2943 (Low): Unlawful Business Practices: Sexual Orientation Change Efforts**

This bill would make advertising, offering for sale, or selling services constituting sexual orientation change efforts to an individual an unfair or deceptive act under the Consumer Legal Remedies Act, allowing harmed consumers to bring legal action against violators to recover damages.

At its May 11, 2018 meeting, the Board took a “support” position on this bill.

*Status: This bill was withdrawn by the author and is now dead.*

**6. AB 2968 (Levine): Psychotherapist-Client Relationship: Victims of Sexual Behavior and Sexual Contact: Informational Brochure**

This bill makes changes to sections of the Business and Professions Code relating to the requirement that the Department of Consumer Affairs create a brochure to educate the public about the prohibition of sexual contact in therapy. Its proposed amendments would modernize the brochure.

At its May 11, 2018 meeting, the Board took a “support” position on this bill.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

**BOARD-MONITORED LEGISLATION**

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

This bill originally proposed creating a master business license system under the Governor’s Office of Business and Economic Development. It would have allowed 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. However, it would have allowed state agencies to opt out of the master application system if desired.

At its May 11, 2018 meeting, the Board took a “support” position on AB 767. However, the bill underwent significant amendments after the May Board meeting. As currently written, the bill shifts its focus to the Go-Biz Information Technology Unit’s “Business Development Portal.” It requires that the Unit establish an online government permit and license assistance center, with a goal of providing assistance in the form of software, hotlinks, and other online resources to businesses to assist in compliance with laws and regulations.

The amendments to the bill were significant and took a more general focus than the previous direction of the bill.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

2. **AB 2138 (Chiu and Low) Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction**

This bill would make significant amendments to the Board's enforcement process, including limits on when a board can deny, revoke or suspend a license based on a conviction or other acts.

At its May 11, 2018, the Board took an "oppose unless amended" position on this bill and asked to be removed from all provisions of this bill except for the data collection component.

This bill has been amended since the Board last considered it, however the significant areas of concern remain, and the Board has not been removed from the bill's provisions as requested.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

3. **AB 2143 (Caballero) Healing Arts Licensee: License Activation Fee: Waiver**

This bill proposes allowing psychiatric mental health nurse practitioners and physician assistants, who also hold a specified license with this Board or the Board of Psychology, and who work in a psychiatric mental health setting, to be eligible for the Mental Health Practitioner Education fund loan repayment grant program.

At its May 11, 2018 meeting, the Board took an "oppose unless amended" position on this bill, asking for the following:

1. Removal of the dual licensure requirement, as a LMFT, LPCC, or LCSW working in a qualifying setting is already eligible to apply for the grant program;
2. If the bill intends to establish nurse practitioners and physician's assistants who work in psychiatric mental health settings (and who are not duly licensed under this Board) as eligible for the program, a funding source that does not use funds paid by other license types should be established; and
3. Include the Board's licensed educational psychologists (LEPs) in the loan repayment grant program and require them to pay fees into the program. This component was included in a previous version of the bill, and the Board is supportive of this effort.

The bill was not amended per the Board's request

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

4. **AB 2302 (Baker) Child Abuse: Sexual Assault: Mandated Reporters**

At the time the Board considered this bill, it proposed making a mandated reporter's failure to report the sexual assault of a child a continuing offense. This would have meant that the one-year statute of limitations would begin when law enforcement discovered the failure to report, instead of when the failure to report occurred.

At its May 11, 2018 meeting, the Board took an “oppose unless amended” position on this bill. The Board noted that its licensees are required to keep patient records for a minimum of seven years from the date therapy is terminated, or, for a minor patient, seven years from the date the patient turns 18. Without records, it could be very difficult to prove a failure to report. Therefore, the Board requested that the author consider the recordkeeping requirements for mandated reporters as it relates to this bill.

This bill has been amended since the Board last considered it. It now proposes allowing prosecution for a mandated reporter’s failure to report the sexual assault of a child to be filed at any time within 5 years from the occurrence of the offense. This is more in line with the Board’s recordkeeping requirements.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

**5. AB 2608 (Stone) Licensed Mental Health Service Provider Education Program: Former Foster Youth**

Previously, this bill created new fund under the Mental Health Practitioner Education Fund loan repayment grant program specifically for loan repayment grants for LMFT and LCSW licensees and registrants who were formerly in California’s foster youth care system. The program would have been funded by levying an additional \$10 fee on LMFT and LCSWs each renewal cycle.

At its May 11, 2018, the Board took an “oppose unless amended” position on this bill. The Board requested that rather than establishing a separate grant fund and special priority for existing awards, this bill be amended to instead require that an applicant’s history as a foster youth may be considered as a factor when awarding the loan repayment grants.

The bill has been amended since the Board last considered it, although not as the Board requested. Under the current version, a separate grant fund is still established for Board licensees and registrants working in a qualifying setting who are former foster youth. However, an additional fee is no longer levied on the Board’s licensees; instead, the funding must be appropriated by the Legislature.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

**6. AB 3120 (Gonzalez Fletcher) Damages: Childhood Sexual Assault: Statute of Limitations**

This bill originally proposed to remove the time limit for beginning an action to recover damages due to childhood sexual assault. It would have also required a Board licensee to report to the Board that an action to recover damages due to childhood sexual assault has been filed against him or her, or that a judgement had been reached.

At its Board meeting on May 11, 2018, the Board decided not to take a position on this bill.

Since the meeting, the bill has been amended. It no longer removes the time limits, but extends them. The requirement to report to a licensing board has also been removed.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

**7. SB 399 (Portantino) Health Care Coverage: Pervasive Developmental Disorder or Autism**

This bill seeks to close some of the loopholes that insurance companies use to deny treatment for behavioral health treatment. It also revises the definitions of a “qualified autism service professional” and a “qualified autism service paraprofessional.”

At its May 11, 2018 meeting, the Board had adopted a “support if amended” position and asked that its licensed educational psychologists (LEPs) be added to the list of professionals who qualify as an autism service professional. However, upon discussion with the author’s office, it was determined that the bill already permits LEPs to qualify as autism service providers, which practice at a higher level than autism service professionals. Therefore, it was determined to be unadvisable to place LEPs in the lower category.

Due to this information, the bill would need to be reconsidered by the Board to proceed with a position.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

**8. SB 906 (Beall and Anderson) Medi-Cal: Mental Health Services: Peer Support Specialist Certification**

This bill would require the State Department of Health Care Services (DHCS) to establish a peer support specialist certification program.

At its May 11, 2018 meeting, the Board had adopted a “support if amended” position on the bill. However, it requested two amendments, one to address a supervision issue, and one to address a public protection concern:

- Inclusion of Licensed Professional Clinical Counselors (LPCCs) as Supervisors: The bill permits licensed mental health professionals as supervisors. However, it excludes LPCCS as supervisors. The Board requested that LPCCs included.
- Addition of a Fingerprinting Requirement: The Board asked that to ensure public protection, bill specify that fingerprinting be a requirement for certification support specialist.

Significant amendments have been made to the bill since the Board last considered it. The piece that excluded LPCCs as supervisors has been removed, however, no fingerprint requirement has been added. Due to the latest changes, the Board would need to reconsider the bill to proceed with a position.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

**9. SB 968 (Pan) Postsecondary Education: Mental Health Counselors**

This bill would require specified higher education entities in California to hire one full-time equivalent licensed mental health counselor per 1,500 students enrolled at each of their campuses.

At its May 11, 2018 meeting, the Board had adopted a “support if amended” position and requested that in addition to including licensees in the ratio of mental health providers to students at college campuses, that the Board’s trainees and registered associates also be included. The Board believed that allowing trainees and registered associates to meet the ratio requirement may make it more feasible for colleges to employ a higher number of mental health professionals, while allowing these individuals some of the experience under supervision that they need to become licensed professionals.

This bill has been amended since the Board’s last meeting. However, the amendments did not include the Board’s trainees and associates in the ration of mental health providers to students. This, coupled with the significance of the recent amendments, would require further Board consideration before proceeding with a position.

*Status: This bill is enrolled and is awaiting a decision by the Governor.*

*Updated: September 5, 2018*

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**To:** Board Members

**Date:** September 5, 2018

**From:** Christy Berger  
Regulatory Analyst

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

**Subject: Status of Board Rulemaking Proposals**

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### **Enforcement Process**

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 began the DCA initial review process in July 2017. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

### **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 began the DCA initial review process in August 2017.

Depending on the outcome of the License Portability Committee's recommendations, this proposal may need to be revised to align with the revised licensing requirements for out-of-state applicants and brought back before the Board before submission to OAL for publishing.

**Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee**

This proposal would amend the Board's examination rescoring provisions to clarify that rescoring pertains only to exams taken via paper and pencil, since all other taken electronically are automatically rescored. This proposal would also make clarifying, non-substantive changes to the Board's application abandonment criteria, and clarify the fee required for subsequent Associate Professional Clinical Counselor registrations. The proposal was approved by the Board at its meeting in November 2017 and began the DCA initial review process in April 2018. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

**BBS REGULATION TIME LINE**

**SEPTEMBER 5, 2018**

Regulation Package Name	Date of Board Approval	Date Submitted to DCA - Initial Review	Date Submitted to Agency- Initial Review	Date Noticed	Public Hearing Date	Date Submitted to DCA - Final Review	Date Submitted to Agency – Final Review	Date Submitted to DOF	Date Submitted to OAL - Approval	Date OAL Approved
Enforcement Update to Disciplinary Guidelines	3/3/17	7/11/17								
Contact Information; Application Requirements; Incapacitated Supervisors	3/3/17	8/22/17*								
Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee	11/2/17	4/6/18								
Application Processing Times and Registrant Advertising**	11/4/16	12/28/16	Agency completed review 6/6/17	7/7/17	8/22/17	9/13/17	1/22/18	2/8/18	2/8/18	3/14/18

\*Note: For this package, four months of the delay in the initial review process can be attributed to Board staff handling/processing in response to feedback by DCA Legal.

\*\*Statute to change “Intern” to “Associate” became effective January 1, 2018

DCA and Agency Initial Review Process: Following review by the Board’s attorney and preparation of the required documentation (Notice, Initial Statement of Reasons, and the Fiscal Impact Std. 399), the package is submitted to DCA’s legislative and policy review division, who routes it through the budget office and legal office for their review and approval. Next, the package is submitted to DCA Executive Office for review/approval. The package is then submitted to Agency for an initial review. Once approved by Agency, the Board is able to submit the package to the Office of Administrative Law to Notice the proposed regulation change.

Notice and Public Hearing: The Notice initiates the 45-day public comment period. Following the 45-day comment period, a public hearing is scheduled. The Board must consider all comments submitted. If any substantive changes are made to the text of the proposal, the Board must approve the language again, and provide the public with a 15-day public comment period. If no changes are made to the proposal, the Board submits the package to DCA for final review.

DCA and Agency Final Review: The initial review process is repeated.

Submission to DOF and OAL for Final Approval: Both the Department of Finance and the Office of Administrative Law must approve the regulation package. The review may occur at the same time. However, OAL is the final approval. Once OAL approves the regulation package, the proposal is adopted and it is assigned an effective date.