



Board of Behavioral Sciences

# Memo

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

**To:** Board Members **Date:** February 23, 2021  
**From:** Rosanne Helms, Legislative Manager **Telephone:** (916) 574-7897  
**Subject:** Discussion of Practice Setting Definition Bill Proposal – Possible Amendments

---

## Overview

The Board is currently sponsoring a practice setting definition bill proposal, which has been introduced as AB 690 (Arambula) (**Attachment A**). The purpose of this bill is to provide definitions of the specific types of practice settings Board licensees, applicants, and registrants are employed in. This will in turn provide critical clarification about where trainees may work, what constitutes a private practice, and will provide additional opportunities for supervision in private practice settings.

The Board attempted to run this bill last year. However, due to the COVID-19 State of Emergency, the Legislature was unable to run its usual number of bills, and therefore the bill could not move forward. The Board directed staff to again pursue a bill proposal at its meeting on November 6, 2020.

However, after further review of the language and stakeholder discussions, staff brought the proposed bill language back to the February 5, 2021 Policy and Advocacy Committee for discussion of two potential amendments. The Committee recommended that the Board consider making the following amendments:

1. **Amendment #1:** Deleting the provision proposed in BPC §4980.06(b) (for LMFTs), 4996.14.2(b) (for LCSWs), and 4999.26(b) (for LPCCs) that provide that an entity that is licensed or certified by a government regulatory agency to provide health care services shall not be considered a private practice setting; and
2. **Amendment #2:** Modifying the provision proposed in BPC §§4980.43.4(b)(2) (LMFTs), 4996.23.3(b)(2) (LCSWs), and 4999.46.4(b)(2) (LPCCs) that requires supervisors in a private practice or professional corporation to provide psychotherapeutic services to clients at the same site as the associate they are supervising.

These two recommendations will be discussed in more detail below.

## **Summary of the Current Bill Proposal**

The current bill proposal provides specific definitions of the various types of practice settings that licensees and applicants for licensure may be working in. Key components of the bill are as follows:

- It classifies all settings into two main types: exempt settings and non-exempt settings. The definition of exempt settings remains the same (a school, college, or university, a government entity, or an institution that is both nonprofit and charitable). Non-exempt settings are all settings that do not qualify as exempt settings.
- It carves out definitions of two specific types of settings that fall under the non-exempt setting umbrella: private practices and professional corporations. These definitions are used to place certain additional limitations on these specific types of settings.
- It specifically states that an active license or registration number is required to provide psychotherapeutic services in any non-exempt setting, with two exceptions:
  - Specifies that a trainee may provide services in a non-exempt setting as long as it is not a private practice or a professional corporation, and the trainee is under the jurisdiction and supervision of their school.
  - Specifies that an applicant for associate registration following the 90-day rule (BPC §§4980.43, 4996.23, 4999.46) may provide services in a non-exempt setting as long as it is not a private practice or a professional corporation, if they are in compliance with the laws pertaining to the 90-day rule.
- It specifies that an entity that is licensed or certified by a government regulatory agency to provide health care services is not considered a private practice setting.
- It limits supervisors in any non-exempt setting to **six** individual or triadic supervisees at a time. (Previously, the limit was **three** associates per supervisor in a **private practice or a corporation only**.)
- It permits contracted supervisors in a private practice or professional corporation. In these settings, the supervisor must provide psychotherapeutic services to clients at the same site as the associate.

## **Potential Amendment #1**

Proposed BPC sections §4980.06(b) for LMFTs, 4996.14.2(b) for LCSWs, and 4999.26(b) for LPCCs provide that an “entity that is licensed or certified by a government regulatory agency to provide health care services shall not be considered a private practice setting.” Staff believes that as written, this sentence is too broad and could lead to implementation issues.

The original reasoning behind adding this allowance is the thought that existing government oversight provides additional public protection, so licensed or certified entities are not subject to the same concerns about lack of oversight as other private practices and professional corporations are.

However, there are a wide and unknown variety of government regulatory agency license or certification types that may broadly qualify an entity to not be considered a private practice, even if it otherwise meets the definition. It is unknown if all types of government agency licenses or certifications would adequately provide the desired level of oversight to provide the additional public protection the Board believes is needed in a private practice or professional corporation.

**Reference 1** links to a report by the California Healthcare Foundation titled “Taking Inventory: A Framework for Understanding Health Care Regulation and Oversight in California” (May 2014). A few key takeaways from this report are as follows:

- There are a number of state agencies that provide health care regulatory oversight. These include the California Department of Public Health, the Department of Health Care Services, the Department of Social Services and the Department of Aging (Pages 5, 7, 22, 23). Federal and local governments also sometimes have a role in regulation (Page 8).
- The frequency, intensity, and resources for the regulatory agency to regulate is not necessarily the same across agencies (Page 13 and 14). This could make it difficult for the Board to know exactly what a given government agency is regulating, and whether it has the appropriate resources to do so sufficiently.

The Board’s licensing unit does not have expertise on whether the wide variety of agencies providing regulatory oversight provide sufficient levels of public protection.

Therefore, at its February 5, 2021 meeting, the Policy and Advocacy Committee discussed this issue and recommended that the Board consider deleting this provision.

### **Potential Amendment #2**

The second recommended amendment is to modify the provision proposed in BPC §§4980.43.4(b)(2) (LMFTs), 4996.23.3(b)(2) (LCSWs), and 4999.46.4(b)(2) (LPCCs) that requires supervisors in a private practice or professional corporation to provide psychotherapeutic services to clients at the same site as the associate they are supervising. The current bill language proposes the following:

- (a) *An associate who is employed by or volunteering in a private practice or a professional corporation shall be supervised by an individual who is both of the following: 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.*

(1) Is employed by or contracted by the associate's employer or is an owner of the private practice or professional corporation.

(2) Provides psychotherapeutic services to clients at the same site as the associate.

Kaiser has raised concerns about this language because it frequently employs associate clinical social workers (ASWs) who are gaining experience toward licensure. Kaiser is split into three employing entities: Kaiser Foundation Health Plan, which is a nonprofit and qualifies as an exempt setting, Kaiser Foundation Hospitals, which is a nonprofit and qualifies as an exempt setting, and The Permanente Medical Group, which is a professional corporation, and is therefore treated as a private practice.

ASWs working for The Permanente Medical Group (professional corporation) arm of Kaiser believe it is unfair that they have limits on their required supervision for gaining experience hours toward LCSW licensure that other ASWs working under the Kaiser nonprofit corporations (exempt settings) do not have. (See **Attachment B** for a further explanation of their concern.)

Under the bill proposal as currently drafted, this issue would partly, but not entirely, resolve with the current bill language. Under current the proposal, the following would apply to supervisors and associates of Kaiser's professional corporation arm:

- They would now be able to arrange for contracted supervisors to supervise their associates (instead of only allowing full time employees to supervise, as is now required.)
- A supervisor would be required to see clients at the same site as their associate, but would no longer be required to be employed full time at the site.
- A supervisor would be limited to six supervisees per supervisor (instead of the current three).

The reason for the additional limitations on private practices and professional corporations is that Board is tasked with public protection as its highest priority. In the past, the Board has determined that private practices and professional corporations are in need of additional oversight to ensure associates are supervised properly, not practicing independently, and to achieve the public protection mandate.

**Table 1** summarizes how the requirements would apply in each type of setting under the current bill proposal.

At the February Policy and Advocacy Committee, discussion centered on potentially modifying subsection (2) above, which currently states the following:

(2) Provides psychotherapeutic services to clients at the same site as the associate.

The Committee asked staff to develop scenarios of alternative language for the Board to consider. Those scenarios are shown in **Attachment C**.

There are a few questions to consider when reviewing the **Attachment C** scenarios:

- Does the Board wish to continue to require that supervisors at private practices/professional corporations perform “psychotherapeutic services to clients” there? Or should “psychotherapeutic services” be more specifically defined to include activities such as direct clinical counseling, supervision, and/or non-clinical services? If specific activities are listed, should all of them be required? Or should only one activity, such as supervision only, be sufficient?
- Should requiring performance of services at same site as the associate be deleted? (It is possible that the COVID-19 State of Emergency put the same site requirement on the road to becoming obsolete. However, public protection implications, if any, of having the supervisor not performing services at the same site in a private practice should be discussed. For example, deleting the same site requirement would allow small private practices to hire multiple associates, and have one outside supervisor supervise every 6 of their associates.)
- Should the supervisor be required to perform services for the associate’s employer, at the same site as the associate, or something else? (i.e. same organization, same health provider, medical group, etc.?)

### **Recommendation**

Conduct an open discussion about the potential amendments to the practice setting definitions bill and the proposed solutions above. Direct staff to make any agreed upon amendments to the bill, as well as any non-substantive changes to the agreed upon amendments.

### **Attachments**

**Attachment A:** Text of Current Bill Proposal: AB 690 (Arambula)

**Attachment B:** Clinical Supervision Disparity Between Nonprofit and For-Profit Settings *(From Josey Baker, LCSW, PPSC, Medical Social Worker, The Permanente Medical Group, Inc.)*

**Attachment C:** Scenarios: Supervision in Private Practice/Professional Corporation (Proposed BPC §§4980.43.4(b)(2), 4996.23.3(b)(2), and 4999.46.4(b)(2))

**Table 1:** Current Proposal: Requirements for Each Type of Setting

**Reference 1:** [“Taking Inventory: A Framework for Understanding Health Care Regulation and Oversight in California” California Healthcare Foundation, May 2014](#)

**Reference 2:** [Health and Safety Code §128735](#) (For use in discussing Scenario 2d)

***Blank Page***

# ATTACHMENT A

california legislature—2021–22 regular session

**ASSEMBLY BILL**

**No. 690**

---

---

**Introduced by Assembly Member Arambula**

February 16, 2021

---

---

An act to amend Sections 4980.01, 4980.43, 4980.43.2, 4980.43.3, 4980.43.4, 4980.46, 4992.10, 4996.14, 4996.15, 4996.23, 4996.23.1, 4996.23.2, 4996.23.3, 4999.22, 4999.46, 4999.46.2, 4999.46.3, 4999.46.4, and 4999.72 of, to amend and renumber Section 4999.24 of, and to add Sections 4980.05, 4980.06, 4996.14.1, 4996.14.2, 4999.25, and 4999.26 to, the Business and Professions Code, relating to healing arts.

## legislative counsel's digest

AB 690, as introduced, Arambula. Marriage and family therapists: clinical social workers: professional clinical counselors.

Existing law, the Licensed Marriage and Family Therapist Act, provides for the licensure, registration, and regulation of marriage and family therapists and associate marriage and family therapists by the Board of Behavioral Sciences. The Social Work Licensing Law provides for the licensure, registration, and regulation of clinical social workers and associate clinical social workers by the board. The Licensed Professional Clinical Counselor Act provides for the licensure, registration, and regulation of professional clinical counselors and associate professional clinical counselors by the board. A violation of these provisions is a crime.

Existing law makes the above-described acts and that law inapplicable to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution

that is both nonprofit and charitable if, among other things, the work is performed solely under the supervision of the entity.

This bill would instead require the work of the employee or volunteer to be performed under the oversight and direction of the entity. The bill would define the term “nonexempt setting” for purposes of the acts and that law. The bill would also provide that a person who holds a valid license or registration who is working or volunteering in an exempt setting is not exempt from the provisions of the applicable act and that law, and that an entity that is licensed or certified by a government regulatory agency to provide health care services is not an exempt setting, except as specified.

Existing law prohibits an applicant for licensure in one of the above-described professions from being employed or volunteering in a private practice until the applicant has been issued an associate registration by the applicable board. Existing law also prohibits a trainee gaining supervisory hours from performing services in a private practice.

This bill would also prohibit an applicant from being employed or volunteering in a professional corporation, as defined, and would prohibit specified trainees gaining supervisory hours from performing services in a professional corporation.

Existing law requires a person with an associate registration to have direct supervisor contact, as specified, and authorizes a supervisor to supervise a maximum of 3 persons.

This bill would increase the maximum number of persons a supervisor may supervise to 6 persons.

This bill would make conforming and other nonsubstantive changes.

Because the bill would expand the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4980.01 of the Business and Professions
- 2 Code is amended to read:



1 4980.01. (a) This chapter shall not be construed to constrict,  
2 limit, or withdraw the Medical Practice Act, the Social Work  
3 Licensing Law, the Nursing Practice Act, the Licensed Professional  
4 Clinical Counselor Act, or the Psychology Licensing Law.

5 (b) This chapter shall not apply to any priest, rabbi, or minister  
6 of the gospel of any religious denomination when performing  
7 counseling services as part of their pastoral or professional duties,  
8 or to any person who is admitted to practice law in the state, or a  
9 physician and surgeon who provides counseling services as part  
10 of their professional practice.

11 (c) This chapter shall not apply to an unlicensed or unregistered  
12 employee or volunteer working in a governmental entity, a school,  
13 a college, a university, or an institution that is both nonprofit and  
14 charitable if both of the following apply:

15 (1) The work of the employee or volunteer is performed ~~solely~~  
16 ~~under the supervision~~ *under the oversight and direction* of the  
17 entity.

18 (2) On and after July 1, 2020, the employee or volunteer  
19 provides a client, prior to initiating psychotherapy services, a notice  
20 written in at least 12-point type that is in substantially the following  
21 form:

22  
23 NOTICE TO CLIENTS

24 The (Name of office or unit) of the (Name of agency) receives  
25 and responds to complaints regarding the practice of psychotherapy  
26 by any unlicensed or unregistered counselor providing services at  
27 (Name of agency). To file a complaint, contact (Telephone number,  
28 email address, internet website, or mailing address of agency).  
29

30 (d) A marriage and family therapist licensed under this chapter  
31 is a licentiate for purposes of paragraph (2) of subdivision (a) of  
32 Section 805, and thus is a health care provider subject to the  
33 provisions of Section 2290.5 pursuant to subdivision (b) of that  
34 section.

35 (e) Notwithstanding subdivisions (b) and (c), all persons  
36 registered as associates or licensed under this chapter shall not be  
37 exempt from this chapter or the jurisdiction of the board.

38 SEC. 2. Section 4980.05 is added to the Business and  
39 Professions Code, to read:

1 4980.05. The settings described in Section 4980.01 are exempt  
 2 settings and do not fall under the jurisdiction of this chapter or the  
 3 board except as specified in Section 4980.01, and with the  
 4 following exceptions:

5 (a) Any individual working or volunteering in an exempt setting  
 6 who is licensed or registered under this chapter shall fall under the  
 7 jurisdiction of the board and is not exempt from this chapter.

8 (b) An entity that is licensed or certified by a government  
 9 regulatory agency to provide health care services shall not be  
 10 considered an exempt setting unless it directly meets the criteria  
 11 described in Section 4980.01.

12 SEC. 3. Section 4980.06 is added to the Business and  
 13 Professions Code, to read:

14 4980.06. (a) For the purposes of this chapter, the following  
 15 definitions apply:

16 (1) “Nonexempt setting” means any type of setting that does  
 17 not qualify as an exempt setting, as specified in Section 4980.01.

18 (2) “Private practice” means a type of nonexempt setting that  
 19 meets all of the following:

20 (A) The practice is owned by a health professional who is  
 21 licensed under this division either independently or jointly with  
 22 one or more other health professionals who are licensed under this  
 23 division.

24 (B) The practice provides clinical mental health services,  
 25 including psychotherapy, to clients.

26 (C) One or more licensed health professionals are responsible  
 27 for the practice and for the services provided and set conditions  
 28 of client payment or reimbursement for the provision of services.

29 (3) “Professional corporation” means a type of nonexempt  
 30 setting and private practice that has been formed pursuant to Part  
 31 4 (commencing with Section 13400) of Division 3 of Title 1 of  
 32 the Corporations Code.

33 (b) An entity that is licensed or certified by a government  
 34 regulatory agency to provide health care services shall not be  
 35 considered a private practice setting.

36 (c) An active license or registration number shall be required  
 37 to engage in the practice of marriage and family therapy, as defined  
 38 in Section 4980.02, in nonexempt settings at all times with the  
 39 following exceptions:

1 (1) A trainee may engage in the practice of marriage and family  
2 therapy in a nonexempt setting that is not a private practice or a  
3 professional corporation while they are gaining supervised  
4 experience that meets the requirements of this chapter under the  
5 jurisdiction and supervision of their school as specified in Section  
6 4980.42.

7 (2) An applicant for registration as an associate may engage in  
8 the practice of marriage and family therapy in a nonexempt setting  
9 that is not a private practice or a professional corporation before  
10 the registration number is issued if they are in compliance with  
11 subdivision (b) of Section 4980.43 and are gaining supervised  
12 experience that meets the requirements of this chapter.

13 SEC. 4. Section 4980.43 of the Business and Professions Code  
14 is amended to read:

15 4980.43. (a) Except as provided in subdivision (b), all  
16 applicants shall have an active associate registration with the board  
17 in order to gain postdegree hours of supervised experience.

18 (b) (1) ~~Preregistered postdegree~~ *Postdegree* hours of experience  
19 *gained before the issuance of an associate registration* shall be  
20 credited toward licensure if all of the following apply:

21 (A) The registration applicant applies for the associate  
22 registration and the board receives the application within 90 days  
23 of the granting of the qualifying master’s degree or doctoral degree.

24 (B) For applicants completing graduate study on or after January  
25 1, 2020, the experience is obtained at a workplace that, prior to  
26 the registration applicant gaining supervised experience hours,  
27 requires completed Live Scan fingerprinting. The applicant shall  
28 provide the board with a copy of that completed State of California  
29 “Request for Live Scan Service” form with the application for  
30 licensure.

31 (C) The board subsequently grants the associate registration.

32 (2) The applicant shall not be employed or volunteer in a private  
33 practice *or a professional corporation* until the applicant has been  
34 issued an associate registration by the board.

35 (c) Supervised experience that is obtained for purposes of  
36 qualifying for licensure shall be related to the practice of marriage  
37 and family therapy and comply with the following:

38 (1) A minimum of 3,000 hours completed during a period of at  
39 least 104 weeks.

40 (2) A maximum of 40 hours in any seven consecutive days.

1 (3) A minimum of 1,700 hours obtained after the qualifying  
2 master's or doctoral degree was awarded.

3 (4) A maximum of 1,300 hours obtained prior to the award date  
4 of the qualifying master's or doctoral degree.

5 (5) A maximum of 750 hours of counseling and direct supervisor  
6 contact prior to the award date of the qualifying master's or  
7 doctoral degree.

8 (6) Hours of experience shall not be gained prior to completing  
9 either 12 semester units or 18 quarter units of graduate instruction.

10 (7) Hours of experience shall not have been gained more than  
11 six years prior to the date the application for licensure was received  
12 by the board, except that up to 500 hours of clinical experience  
13 gained in the supervised practicum required by subdivision (c) of  
14 Section 4980.37 and subparagraph (B) of paragraph (1) of  
15 subdivision (d) of Section 4980.36 shall be exempt from this  
16 six-year requirement.

17 (8) A minimum of 1,750 hours of direct clinical counseling with  
18 individuals, groups, couples, or families, that includes not less than  
19 500 total hours of experience in diagnosing and treating couples,  
20 families, and children.

21 (9) A maximum of 1,200 hours gained under the supervision  
22 of a licensed educational psychologist providing educationally  
23 related mental health services that are consistent with the scope  
24 of practice of an educational psychologist, as specified in Section  
25 4989.14.

26 (10) A maximum of 1,250 hours of nonclinical practice,  
27 consisting of direct supervisor contact, administering and  
28 evaluating psychological tests, writing clinical reports, writing  
29 progress or process notes, ~~client-centered~~ *client-centered* advocacy,  
30 and workshops, seminars, training sessions, or conferences directly  
31 related to marriage and family therapy that have been approved  
32 by the applicant's supervisor.

33 (11) It is anticipated and encouraged that hours of experience  
34 will include working with elders and dependent adults who have  
35 physical or mental limitations that restrict their ability to carry out  
36 normal activities or protect their rights.

37 This subdivision shall only apply to hours gained on and after  
38 January 1, 2010.

39 (d) An individual who submits an application for licensure  
40 between January 1, 2016, and December 31, 2020, may

1 alternatively qualify under the experience requirements of this  
2 section that were in place on January 1, 2015.

3 SEC. 5. Section 4980.43.2 of the Business and Professions  
4 Code is amended to read:

5 4980.43.2. (a) Except for experience gained by attending  
6 workshops, seminars, training sessions, or conferences, as  
7 described in paragraph ~~(9)~~ (10) of subdivision ~~(a)~~ (c) of Section  
8 4980.43, direct supervisor contact shall occur as follows:

9 (1) Supervision shall include at least one hour of direct  
10 supervisor contact in each week for which experience is credited  
11 in each work setting.

12 (2) A trainee shall receive an average of at least one hour of  
13 direct supervisor contact for every five hours of direct clinical  
14 counseling performed each week in each setting. For experience  
15 gained on or after January 1, 2009, no more than six hours of  
16 supervision, whether individual, triadic, or group, shall be credited  
17 during any single week.

18 (3) An associate gaining experience who performs more than  
19 10 hours of direct clinical counseling in a week in any setting shall  
20 receive at least one additional hour of direct supervisor contact for  
21 that setting. For experience gained on or after January 1, 2009, no  
22 more than six hours of supervision, whether individual, triadic, or  
23 group, shall be credited during any single week.

24 (4) Of the 104 weeks of required supervision, 52 weeks shall  
25 be individual supervision, triadic supervision, or a combination of  
26 both.

27 (b) For purposes of this chapter, “one hour of direct supervisor  
28 contact” means any of the following:

29 (1) Individual supervision, which means one hour of face-to-face  
30 contact between one supervisor and one supervisee.

31 (2) Triadic supervision, which means one hour of face-to-face  
32 contact between one supervisor and two supervisees.

33 (3) Group supervision, which means two hours of face-to-face  
34 contact between one supervisor and no more than eight supervisees.  
35 Segments of group supervision may be split into no less than one  
36 continuous hour. A supervisor shall ensure that the amount and  
37 degree of supervision is appropriate for each supervisee.

38 (c) Direct supervisor contact shall occur within the same week  
39 as the hours claimed.

1 (d) Alternative supervision may be arranged during a  
 2 supervisor’s vacation or sick leave if the alternative supervision  
 3 meets the requirements of this chapter.

4 ~~(d)~~

5 (e) Notwithstanding subdivision (b), ~~an associate~~ a supervisee  
 6 working in ~~a governmental entity, school, college, university, or~~  
 7 ~~an institution that is nonprofit and charitable~~ an exempt setting  
 8 described in Section 4980.01 may obtain the required weekly direct  
 9 supervisor contact via two-way, real-time videoconferencing. The  
 10 supervisor shall be responsible for ensuring compliance with  
 11 federal and state laws relating to confidentiality of patient health  
 12 information.

13 ~~(e)~~

14 (f) Notwithstanding any other law, once the required number  
 15 of experience hours are gained, associates and applicants for  
 16 licensure shall receive a minimum of one hour of direct supervisor  
 17 contact per week for each practice setting in which direct clinical  
 18 counseling is performed. Once the required number of experience  
 19 hours are gained, further supervision for nonclinical practice, as  
 20 defined in paragraph ~~(9)~~ (10) of subdivision ~~(a)~~ (c) of Section  
 21 4980.43, shall be at the supervisor’s discretion.

22 SEC. 6. Section 4980.43.3 of the Business and Professions  
 23 Code is amended to read:

24 4980.43.3. (a) A trainee, associate, or applicant for licensure  
 25 shall only perform mental health and related services as an  
 26 employee or volunteer, and not as an independent contractor. The  
 27 requirements of this chapter regarding hours of experience and  
 28 supervision shall apply equally to employees and volunteers. A  
 29 trainee, associate, or applicant for licensure shall not perform any  
 30 services or gain any experience within the scope of practice of the  
 31 profession, as defined in Section 4980.02, as an independent  
 32 contractor. While an associate may be either a paid employee or  
 33 a volunteer, employers are encouraged to provide fair remuneration.

34 (1) If employed, an associate shall provide the board, upon  
 35 application for licensure, with copies of the W-2 tax forms for  
 36 each year of experience claimed.

37 (2) If volunteering, an associate shall provide the board, upon  
 38 application for licensure, with a letter from ~~his or her~~ *their*  
 39 employer verifying the associate’s status as a volunteer during the  
 40 dates the experience was gained.

1 (b) (1) A trainee shall not perform services in a private ~~practice.~~  
2 *practice or a professional corporation.* A trainee may be credited  
3 with supervised experience completed in a setting that meets all  
4 of the following:

5 (A) Is not a private ~~practice.~~ *practice or professional*  
6 *corporation.*

7 (B) Lawfully and regularly provides mental health counseling  
8 or psychotherapy.

9 (C) Provides oversight to ensure that the trainee’s work at the  
10 setting meets the experience and supervision requirements in this  
11 chapter and is within the scope of practice for the profession, as  
12 defined in Section 4980.02.

13 (2) Only experience gained in the position for which the trainee  
14 volunteers or is employed shall qualify as supervised experience.

15 (c) (1) An associate may be credited with supervised experience  
16 completed in any setting that meets both of the following:

17 ~~(1)~~

18 (A) Lawfully and regularly provides mental health counseling  
19 or psychotherapy.

20 ~~(2)~~

21 (B) Provides oversight to ensure that the associate’s work at the  
22 setting meets the experience and supervision requirements in this  
23 chapter and is within the scope of practice for the profession, as  
24 defined in Section 4980.02.

25 ~~(3)~~

26 (2) Only experience gained in the position for which the  
27 associate volunteers or is employed shall qualify as supervised  
28 experience.

29 ~~(4)~~

30 (3) An applicant for registration as an associate shall not be  
31 employed or volunteer in a private ~~practice until he or she has~~  
32 *practice or professional corporation until they have* been issued  
33 an associate registration by the board.

34 (d) Any experience obtained under the supervision of a spouse,  
35 relative, or domestic partner shall not be credited toward the  
36 required hours of supervised experience. Any experience obtained  
37 under the supervision of a supervisor with whom the applicant has  
38 had or currently has a personal, professional, or business  
39 relationship that undermines the authority or effectiveness of the

1 supervision shall not be credited toward the required hours of  
2 supervised experience.

3 (e) A trainee, associate, or applicant for licensure shall not  
4 receive any remuneration from patients or clients and shall only  
5 be paid by ~~his or her~~ *their* employer, if an employee.

6 (f) A trainee, associate, or applicant for licensure shall have no  
7 proprietary interest in ~~his or her~~ *their* employer's business and  
8 shall not lease or rent space, pay for furnishings, equipment, or  
9 supplies, or in any other way pay for the obligations of ~~his or her~~  
10 *their* employer.

11 (g) A trainee, associate, or applicant for licensure who provides  
12 voluntary services in any lawful work setting ~~other than a private~~  
13 ~~practice~~ and who only receives reimbursement for expenses  
14 actually incurred shall be considered an employee. The board may  
15 audit an applicant for licensure who receives reimbursement for  
16 expenses and the applicant for licensure shall have the burden of  
17 demonstrating that the payment received was for reimbursement  
18 of expenses actually incurred.

19 (h) A trainee, associate, or applicant for licensure who receives  
20 a stipend or educational loan repayment from a program designed  
21 to encourage demographically underrepresented groups to enter  
22 the profession or to improve recruitment and retention in  
23 underserved regions or settings shall be considered an employee.  
24 The board may audit an applicant who receives a stipend or  
25 educational loan repayment and the applicant shall have the burden  
26 of demonstrating that the payment received was for the specified  
27 purposes.

28 (i) An associate or a trainee may provide services via telehealth  
29 that are in the scope of practice outlined in this chapter.

30 (j) Each educational institution preparing applicants pursuant  
31 to this chapter shall consider requiring, and shall encourage, its  
32 students to undergo individual, marital, conjoint, family, or group  
33 counseling or psychotherapy, as appropriate. Each supervisor shall  
34 consider, advise, and encourage ~~his or her~~ *their* associates and  
35 trainees regarding the advisability of undertaking individual,  
36 marital, conjoint, family, or group counseling or psychotherapy,  
37 as appropriate. Insofar as it is deemed appropriate and is desired  
38 by the applicant, educational institutions and supervisors are  
39 encouraged to assist the applicant to locate counseling or  
40 psychotherapy at a reasonable cost.



1 SEC. 7. Section 4980.43.4 of the Business and Professions  
2 Code is amended to read:

3 4980.43.4. (a) A trainee, associate, or applicant for licensure  
4 shall only perform mental health and related services at the places  
5 where their employer permits business to be conducted.

6 ~~(b) An associate who is employed or volunteering in a private  
7 practice shall be supervised by an individual who is employed by,  
8 and shall practice at the same site as, the associate's employer.  
9 Alternatively, the supervisor may be an owner of the private  
10 practice. However, if the site is incorporated, the supervisor must  
11 be employed full-time at the site and be actively engaged in  
12 performing professional services at the site.~~

13 ~~(c) A supervisor at a private practice or a corporation shall not  
14 supervise more than a total of three supervisees at any one time.  
15 Supervisees may be registered as an associate marriage and family  
16 therapist, an associate professional clinical counselor, or an  
17 associate clinical social worker.~~

18 ~~(d) In a setting that is not a private practice:~~

19 ~~(1) A written oversight agreement, as specified by regulation,  
20 shall be executed between the supervisor and employer when the  
21 supervisor is not employed by the supervisee's employer or is a  
22 volunteer.~~

23 ~~(2) A supervisor shall evaluate the site or sites where a trainee  
24 or associate will be gaining experience to determine that the site  
25 or sites comply with the requirements set forth in this chapter.~~

26 ~~(e) Alternative supervision may be arranged during a  
27 supervisor's vacation or sick leave if the alternative supervision  
28 meets the requirements in this chapter and regulation.~~

29 ~~(b) An associate who is employed by or is volunteering in a  
30 private practice or a professional corporation shall be supervised  
31 by an individual who is both of the following:~~

32 ~~(1) Is employed by or contracted by the associate's employer  
33 or is an owner of the private practice or professional corporation.~~

34 ~~(2) Provides psychotherapeutic services to clients at the same  
35 site as the associate.~~

36 ~~(c) Supervisors of supervisees in a nonexempt setting shall not  
37 serve as individual or triadic supervisors for more than six  
38 supervisees at any time. Supervisees may be registered as associate  
39 marriage and family therapists, associate professional clinical~~

1 *counselors, associate clinical social workers, or any combination*  
 2 *of those registrations.*

3 *(d) A written oversight agreement, as specified by the board by*  
 4 *regulation, shall be executed between the supervisor and employer*  
 5 *when the supervisor is not employed by the supervisee’s employer*  
 6 *or is a volunteer. The supervisor shall evaluate the site or sites*  
 7 *where the supervisee will be gaining experience to determine that*  
 8 *the site or sites comply with the requirements of this chapter.*

9 SEC. 8. Section 4980.46 of the Business and Professions Code  
 10 is amended to read:

11 4980.46. Any licensed marriage and family therapist who  
 12 ~~conducts a private practice under~~ *owns a business using* a fictitious  
 13 business name shall not use any name that is false, misleading, or  
 14 deceptive, and shall inform the patient, prior to the commencement  
 15 of treatment, of the name and license designation of the owner or  
 16 owners of the practice.

17 SEC. 9. Section 4992.10 of the Business and Professions Code  
 18 is amended to read:

19 4992.10. A licensed clinical social worker who ~~conducts a~~  
 20 ~~private practice under~~ *owns a business using* a fictitious business  
 21 name shall not use a name that is false, misleading, or deceptive,  
 22 and shall inform the patient, prior to the commencement of  
 23 treatment, of the name and license designation of the owner or  
 24 owners of the practice.

25 SEC. 10. Section 4996.14 of the Business and Professions  
 26 Code is amended to read:

27 4996.14. (a) This chapter shall not be construed to constrict,  
 28 limit, or withdraw the Medical Practice Act, the Licensed Marriage  
 29 and Family Therapist Act, the Nursing Practice Act, the Licensed  
 30 Professional Clinical Counselor Act, or the Psychology Licensing  
 31 Law.

32 (b) This chapter shall not apply to an unlicensed or unregistered  
 33 employee or volunteer working in a governmental entity, a school,  
 34 a college, a university, or an institution that is both nonprofit and  
 35 charitable if both of the following apply:

36 (1) The work of the employee or volunteer is performed ~~solely~~  
 37 ~~under the supervision of the~~ *under the oversight and direction of*  
 38 *the entity.*

39 (2) On and after July 1, 2020, the employee or volunteer  
 40 provides a client, prior to initiating psychotherapy services, a notice

1 written in at least 12-point type that is in substantially the following  
2 form:

3  
4 NOTICE TO CLIENTS

5 The (Name of office or unit) of the (Name of agency) receives  
6 and responds to complaints regarding the practice of psychotherapy  
7 by any unlicensed or unregistered counselor providing services at  
8 (Name of agency). To file a complaint, contact (Telephone number,  
9 email address, internet website, or mailing address of agency).

10  
11 (c) This chapter shall not apply to a person using hypnotic  
12 techniques if their client was referred by a physician and surgeon,  
13 dentist, or psychologist.

14 (d) This chapter shall not apply to a person using hypnotic  
15 techniques that offer vocational self-improvement, and the person  
16 is not performing therapy for emotional or mental disorders.

17 (e) *Notwithstanding subdivisions (b) and (c) or Section 4996.13,*  
18 *all persons registered as associates or licensed under this chapter*  
19 *shall not be exempt from this chapter or the jurisdiction of the*  
20 *board.*

21 SEC. 11. Section 4996.14.1 is added to the Business and  
22 Professions Code, to read:

23 4996.14.1. The settings described in Section 4996.14 are  
24 exempt settings and do not fall under the jurisdiction of this chapter  
25 or of the board except as specified in Section 4996.14, and with  
26 both of the following exceptions:

27 (a) Any individual working or volunteering in an exempt setting  
28 who is licensed or registered under this chapter shall fall under the  
29 jurisdiction of the board and is not exempt from this chapter.

30 (b) An entity that is licensed or certified by a government  
31 regulatory agency to provide health care services shall not be  
32 considered an exempt setting unless the entity directly meets the  
33 criteria described in Section 4996.14.

34 SEC. 12. Section 4996.14.2 is added to the Business and  
35 Professions Code, to read:

36 4996.14.2. (a) For the purposes of this chapter, the following  
37 definitions apply:

38 (1) “Nonexempt setting” means a setting that does not qualify  
39 as an exempt setting, as specified in Section 4996.14.

1 (2) “Private practice” means a type of nonexempt setting that  
2 meets all of the following criteria:

3 (A) The practice is owned by a health professional who is  
4 licensed under this division either independently or jointly with  
5 one or more other health professionals who are licensed under this  
6 division.

7 (B) The practice provides clinical mental health services,  
8 including psychotherapy, to clients.

9 (C) One or more licensed health professionals are responsible  
10 for the practice and for the services provided and set conditions  
11 of client payment or reimbursement for the provision of services.

12 (3) “Professional corporation” means a type of nonexempt  
13 setting and private practice that has been formed pursuant to Part  
14 4 (commencing with Section 13400) of Division 3 of Title 1 of  
15 the Corporations Code.

16 (b) An entity that is licensed or certified by a government  
17 regulatory agency to provide health care services shall not be  
18 considered a private practice setting.

19 (c) An active license or registration number shall be required  
20 to engage in the practice of clinical social work, as defined in  
21 Section 4996.9, in nonexempt settings at all times, except as  
22 follows:

23 (1) A social work intern may engage in the practice of clinical  
24 social work in a nonexempt setting that is not a private practice or  
25 a professional corporation, while pursuing a course of study leading  
26 to a master’s degree in social work pursuant to Section 4996.15.

27 (2) An applicant for registration as an associate may engage in  
28 the practice of clinical social work in a nonexempt setting that is  
29 not a private practice or a professional corporation before their  
30 registration number is issued if they are in compliance with  
31 subdivision (b) of Section 4996.23 and are gaining supervised  
32 experience that meets the requirements of this chapter.

33 SEC. 13. Section 4996.15 of the Business and Professions  
34 Code is amended to read:

35 4996.15. (a) Nothing in this article shall restrict or prevent  
36 psychosocial activities by employees of accredited academic  
37 institutions, public schools, government agencies, or nonprofit  
38 institutions who train graduate students pursuing a master’s degree  
39 in social work in an accredited college or university. Any  
40 psychosocial activities by the employee shall be part of a

1 supervised course of study and the graduate students shall be  
2 designated by ~~such~~ titles *such* as social work interns, social work  
3 trainees, or other titles clearly indicating the training status  
4 appropriate to their level of training. The term “social work intern,”  
5 however, shall be reserved for persons enrolled in a master’s or  
6 doctoral training program in social work in an accredited school  
7 or department of social work.

8 (b) Notwithstanding subdivision (a), a graduate student shall  
9 not perform clinical social work in a private ~~practice~~. *practice or*  
10 *a professional corporation*.

11 SEC. 14. Section 4996.23 of the Business and Professions  
12 Code is amended to read:

13 4996.23. (a) To qualify for licensure, each applicant shall  
14 complete 3,000 hours of post-master’s degree supervised  
15 experience related to the practice of clinical social work. Except  
16 as provided in subdivision (b), experience shall not be gained until  
17 the applicant is registered as an associate clinical social worker.

18 (b) ~~Preregistered postdegree~~ *Postdegree* hours of experience  
19 *gained before the issuance of an associate registration* shall be  
20 credited toward licensure if all of the following apply:

21 (1) The registration applicant applies for the associate  
22 registration and the board receives the application within 90 days  
23 of the granting of the qualifying master’s or doctoral degree.

24 (2) For applicants completing graduate study on or after January  
25 1, 2020, the experience is obtained at a workplace that, prior to  
26 the registration applicant gaining supervised experience hours,  
27 requires completed Live Scan fingerprinting. The applicant shall  
28 provide the board with a copy of that completed “State of  
29 California Request for Live Scan Service” form with the  
30 application for licensure.

31 (3) The board subsequently grants the associate registration.

32 (c) The applicant shall not be employed or volunteer in a private  
33 *practice or a professional corporation* until the applicant has been  
34 issued an associate registration by the board.

35 (d) The experience shall be as follows:

36 (1) (A) At least 1,700 hours shall be gained under the  
37 supervision of a licensed clinical social worker. The remaining  
38 required supervised experience may be gained under the  
39 supervision of a physician and surgeon who is certified in  
40 psychiatry by the American Board of Psychiatry and Neurology,

1 licensed professional clinical counselor, licensed marriage and  
 2 family therapist, psychologist licensed pursuant to Chapter 6.6  
 3 (commencing with Section 2900), licensed educational  
 4 psychologist, or licensed clinical social worker.

5 (B) A maximum of 1,200 hours gained under the supervision  
 6 of a licensed educational psychologist providing educationally  
 7 related mental health services that are consistent with the scope  
 8 of practice of an educational psychologist, as specified in Section  
 9 4989.14.

10 (2) A minimum of 2,000 hours in clinical psychosocial  
 11 diagnosis, assessment, and treatment, including psychotherapy or  
 12 counseling; however, at least 750 hours shall be face-to-face  
 13 individual or group psychotherapy provided in the context of  
 14 clinical social work services.

15 (3) A maximum of 1,000 hours in ~~client-centered~~ *client-centered*  
 16 advocacy, consultation, evaluation, research, direct supervisor  
 17 contact, and workshops, seminars, training sessions, or conferences  
 18 directly related to clinical social work that have been approved by  
 19 the applicant's supervisor.

20 (4) A minimum of two years of supervised experience is required  
 21 to be obtained over a period of not less than 104 weeks and shall  
 22 have been gained within the six years immediately preceding the  
 23 date on which the application for licensure was received by the  
 24 board.

25 (5) No more than 40 hours of experience may be credited in  
 26 any seven consecutive days.

27 (6) For hours gained on or after January 1, 2010, no more than  
 28 six hours of supervision, whether individual, triadic, or group  
 29 supervision, shall be credited during any single week.

30 (e) An individual who submits an application for licensure  
 31 between January 1, 2016, and December 31, 2020, may  
 32 alternatively qualify under the experience requirements of this  
 33 section that were in place on January 1, 2015.

34 SEC. 15. Section 4996.23.1 of the Business and Professions  
 35 Code is amended to read:

36 4996.23.1. (a) Except for experience gained by attending  
 37 workshops, seminars, training sessions, or conferences, as  
 38 described in paragraph (3) of subdivision (d) of Section 4996.23,  
 39 direct supervisor contact shall occur as follows:

1 (1) Supervision shall include at least one hour of direct  
2 supervisor contact each week for which experience is credited in  
3 each work setting.

4 (2) An associate gaining experience who performs more than  
5 10 hours of direct clinical counseling in a week in any setting shall  
6 receive at least one additional hour of direct supervisor contact for  
7 that setting.

8 (b) For purposes of this chapter, “one hour of direct supervisor  
9 contact” means any of the following:

10 (1) Individual supervision, which means one hour of face-to-face  
11 contact between one supervisor and one supervisee.

12 (2) Triadic supervision, which means one hour of face-to-face  
13 contact between one supervisor and two supervisees.

14 (3) Group supervision, which means two hours of face-to-face  
15 contact between one supervisor and no more than eight supervisees.  
16 Segments of group supervision may be split into no less than one  
17 continuous hour. A supervisor shall ensure that the amount and  
18 degree of supervision is appropriate for each supervisee.

19 (c) Direct supervisor contact shall occur within the same week  
20 as the hours claimed.

21 (d) Of the 104 weeks of required supervision, 52 weeks shall  
22 be individual supervision, triadic supervision, or a combination of  
23 both.

24 (e) Of the 52 weeks of required individual or triadic supervision,  
25 no less than 13 weeks shall be supervised by a licensed clinical  
26 social worker.

27 (f) *Alternative supervision may be arranged during a*  
28 *supervisor’s vacation or sick leave if the alternative supervision*  
29 *meets the requirements of this chapter.*

30 ~~(f)~~

31 (g) Notwithstanding subdivision (b), ~~an associate clinical social~~  
32 ~~worker a supervisee working in a governmental entity, school,~~  
33 ~~college, university, or an institution that is nonprofit and charitable~~  
34 *an exempt setting described in Section 4996.14* may obtain the  
35 required weekly direct supervisor contact via two-way, real-time  
36 videoconferencing. The supervisor shall be responsible for ensuring  
37 compliance with state and federal laws relating to confidentiality  
38 of patient health information.

39 ~~(g)~~

1 (h) Notwithstanding any other law, once the required number  
 2 of experience hours are gained, an associate clinical social worker  
 3 or applicant for licensure shall receive a minimum of one hour of  
 4 direct supervisor contact per week for each practice setting in  
 5 which direct clinical counseling is performed. Once the required  
 6 number of experience hours are gained, further supervision for  
 7 nonclinical practice, as described in paragraph (3) of subdivision  
 8 (d) of Section 4996.23, shall be at the supervisor's discretion.

9 SEC. 16. Section 4996.23.2 of the Business and Professions  
 10 Code is amended to read:

11 4996.23.2. (a) An associate clinical social worker or applicant  
 12 for licensure shall only perform mental health and related services  
 13 as an employee or as a volunteer, not as an independent contractor.  
 14 The requirements of this chapter regarding hours of experience  
 15 and supervision shall apply equally to employees and volunteers.  
 16 An associate or applicant for licensure shall not perform any  
 17 services or gain any experience within the scope of practice of the  
 18 profession, as defined in Section 4996.9, as an independent  
 19 contractor. While an associate may be either a paid employee or  
 20 a volunteer, employers are encouraged to provide fair remuneration.

21 (1) If employed, an associate shall provide the board, upon  
 22 application for licensure, with copies of the corresponding W-2  
 23 tax forms for each year of experience claimed.

24 (2) If volunteering, an associate shall provide the board, upon  
 25 application for licensure, with a letter from ~~his or her~~ *their*  
 26 employer verifying the associate's status as a volunteer during the  
 27 dates the experience was gained.

28 ~~(b) "Private practice," for purposes of this chapter, is defined~~  
 29 ~~as a setting owned by a licensed clinical social worker, a licensed~~  
 30 ~~marriage and family therapist, a psychologist licensed pursuant to~~  
 31 ~~Chapter 6.6 (commencing with Section 2900), a licensed~~  
 32 ~~professional clinical counselor, a licensed physician and surgeon,~~  
 33 ~~or a professional corporation of any of those licensed professions.~~

34 ~~(e)~~

35 ~~(b)~~ Employment in a private practice *or professional corporation*  
 36 shall not commence until the applicant has been registered as an  
 37 associate clinical social worker.

38 ~~(d)~~

39 ~~(c)~~ Experience shall only be gained in a setting that meets both  
 40 of the following:



1 (1) Lawfully and regularly provides clinical social work, mental  
2 health counseling, or psychotherapy.

3 (2) Provides oversight to ensure that the associate's work at the  
4 setting meets the experience and supervision requirements set forth  
5 in this chapter and is within the scope of practice for the profession  
6 as defined in Section 4996.9.

7 ~~(e)~~

8 (d) Only experience gained in the position for which the  
9 associate clinical social worker volunteers or is employed shall  
10 qualify as supervised experience.

11 ~~(f)~~

12 (e) Any experience obtained under the supervision of a spouse  
13 or relative by blood or marriage shall not be credited toward the  
14 required hours of supervised experience. Any experience obtained  
15 under the supervision of a supervisor with whom the applicant has  
16 had or currently has a personal, professional, or business  
17 relationship that undermines the authority or effectiveness of the  
18 supervision shall not be credited toward the required hours of  
19 supervised experience.

20 ~~(g)~~

21 (f) An associate clinical social worker or applicant for licensure  
22 who provides voluntary services in any lawful work setting ~~other~~  
23 ~~than a private practice~~ and who only receives reimbursement for  
24 expenses actually incurred shall be considered an employee. The  
25 board may audit an applicant for licensure who receives  
26 reimbursement for expenses and the applicant shall have the burden  
27 of demonstrating that the payments received were for  
28 reimbursement of expenses actually incurred.

29 ~~(h)~~

30 (g) An associate clinical social worker or applicant for licensure  
31 who receives a stipend or educational loan repayment from a  
32 program designed to encourage demographically underrepresented  
33 groups to enter the profession or to improve recruitment and  
34 retention in underserved regions or settings shall be considered an  
35 employee. The board may audit an applicant who receives a stipend  
36 or educational loan repayment and the applicant shall have the  
37 burden of demonstrating that the payments received were for the  
38 specified purposes.

39 ~~(i)~~

1 (h) An associate or applicant for licensure shall not receive any  
 2 remuneration from patients or clients and shall only be paid by ~~his~~  
 3 ~~or her~~ *their* employer, if an employee.

4 ~~(j)~~  
 5 (i) An associate or applicant for licensure shall have no  
 6 proprietary interest in ~~his or her~~ *their* employer's business and  
 7 shall not lease or rent space, pay for furnishings, equipment, or  
 8 supplies, or in any other way pay for the obligations of ~~his or her~~  
 9 *their* employer.

10 ~~(k)~~  
 11 (j) Each educational institution preparing applicants pursuant  
 12 to this chapter shall consider requiring, and shall encourage, its  
 13 students to undergo individual, marital, conjoint, family, or group  
 14 counseling or psychotherapy, as appropriate. Each supervisor shall  
 15 consider, advise, and encourage ~~his or her~~ *their* supervisees  
 16 regarding the advisability of undertaking individual, marital,  
 17 conjoint, family, or group counseling or psychotherapy, as  
 18 appropriate. Insofar as it is deemed appropriate and is desired by  
 19 the applicant, educational institutions and supervisors are  
 20 encouraged to assist the applicant to locate counseling or  
 21 psychotherapy at a reasonable cost.

22 SEC. 17. Section 4996.23.3 of the Business and Professions  
 23 Code is amended to read:

24 4996.23.3. (a) An associate clinical social worker or an  
 25 applicant for licensure shall only perform mental health and related  
 26 services at the places where their employer permits business to be  
 27 conducted.

28 ~~(b) An associate who is employed or volunteering in a private~~  
 29 ~~practice shall be supervised by an individual who is employed by,~~  
 30 ~~and shall practice at the same site as, the associate's employer.~~  
 31 ~~Alternatively, the supervisor may be an owner of the private~~  
 32 ~~practice. However, if the site is incorporated, the supervisor must~~  
 33 ~~be employed full time at the site and be actively engaged in~~  
 34 ~~performing professional services at the site.~~

35 ~~(c) A supervisor at a private practice or a corporation shall not~~  
 36 ~~supervise more than a total of three supervisees at any one time.~~  
 37 ~~A supervisee may be registered as an associate marriage and family~~  
 38 ~~therapist, an associate professional clinical counselor, or an~~  
 39 ~~associate clinical social worker.~~

40 ~~(d) In a setting that is not a private practice:~~

1 ~~(1) A written oversight agreement, as specified by regulation,~~  
2 ~~shall be executed between the supervisor and employer when the~~  
3 ~~supervisor is not employed by the supervisee’s employer or is a~~  
4 ~~volunteer.~~

5 ~~(2) A supervisor shall evaluate the site or sites where an~~  
6 ~~associate clinical social worker will be gaining experience to~~  
7 ~~determine that the site or sites are in compliance with the~~  
8 ~~requirements set forth in this chapter and regulations.~~

9 ~~(e) Alternative supervision may be arranged during a~~  
10 ~~supervisor’s vacation or sick leave if the alternative supervision~~  
11 ~~meets the requirements in this chapter and by regulation.~~

12 *(b) An associate who is employed by, or volunteering in, a*  
13 *private practice or a professional corporation shall be supervised*  
14 *by an individual who is both of the following:*

15 *(1) Is employed by or contracted by the associate employer or*  
16 *is an owner of the private practice or professional corporation.*

17 *(2) Provides psychotherapeutic services to clients at the same*  
18 *site as the associate.*

19 *(c) Supervisors of supervisees in a nonexempt setting shall not*  
20 *serve as individual or triadic supervisors for more than six*  
21 *supervisees at any time. Supervisees may be registered as associate*  
22 *marriage and family therapists, associate professional clinical*  
23 *counselors, associate clinical social workers, or any combination*  
24 *of those registrations.*

25 *(d) A written oversight agreement, as specified by the board by*  
26 *regulation, shall be executed between the supervisor and employer*  
27 *when the supervisor is not employed by the supervisee’s employer*  
28 *or is a volunteer. The supervisor shall evaluate the site or sites*  
29 *where the supervisee will be gaining experience to determine that*  
30 *the site or sites comply with the requirements of this chapter.*

31 SEC. 18. Section 4999.22 of the Business and Professions  
32 Code is amended to read:

33 4999.22. (a) Nothing in this chapter shall prevent qualified  
34 persons from doing work of a psychosocial nature consistent with  
35 the standards and ethics of their respective professions. However,  
36 these qualified persons shall not hold themselves out to the public  
37 by any title or description of services incorporating the words  
38 “licensed professional clinical counselor” and shall not state that  
39 they are licensed to practice professional clinical counseling, unless

1 they are otherwise licensed to provide professional clinical  
 2 counseling services.

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

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

14 (d) This chapter shall not apply to an unlicensed or unregistered  
 15 employee or volunteer working in a governmental ~~entity or~~ *entity*,  
 16 a school, a college, a university, or an institution that is both  
 17 nonprofit and charitable, if both of the following apply:

18 (1) The work of the employee or volunteer is performed ~~solely~~  
 19 ~~under the supervision~~ *under the oversight and direction* of the  
 20 entity.

21 (2) On and after July 1, 2020, the employee or volunteer  
 22 provides a client, prior to initiating psychotherapy services, a notice  
 23 written in at least 12-point type that is in substantially the following  
 24 form:

25

26 NOTICE TO CLIENTS

27 The (Name of office or unit) of the (Name of agency) receives  
 28 and responds to complaints regarding the practice of psychotherapy  
 29 by any unlicensed or unregistered counselor providing services at  
 30 (Name of agency). To file a complaint, contact (Telephone number,  
 31 email address, internet website, or mailing address of agency).

32

33 (e) ~~All~~ *Notwithstanding subdivisions (c) and (d), all* persons  
 34 registered as associates or licensed under this chapter shall not be  
 35 exempt from this chapter or the jurisdiction of the board.

36 SEC. 19. Section 4999.24 of the Business and Professions  
 37 Code is amended and renumbered to read:

38 ~~4999.24.~~

39 *4999.27. (a) Nothing in this chapter shall restrict or prevent*  
 40 *activities of a psychotherapeutic or counseling nature on the part*

1 of persons employed by accredited or state-approved academic  
2 institutions, public schools, government agencies, or nonprofit  
3 institutions ~~engaged in the training of graduate students or clinical~~  
4 ~~counselor trainees pursuing a course of study leading to~~ *who train*  
5 *graduate students pursuing* a degree that qualifies for professional  
6 clinical counselor licensure at an accredited or state-approved  
7 college or university, ~~or working in a recognized training program,~~  
8 provided that these activities and services constitute a part of a  
9 supervised course of study and that those persons are designated  
10 by a title such as “clinical counselor trainee” or other title clearly  
11 indicating the training status appropriate to the level of training.

12 *(b) Notwithstanding subdivision (a), a graduate student shall*  
13 *not perform professional clinical counseling in a private practice*  
14 *or a professional corporation.*

15 SEC. 20. Section 4999.25 is added to the Business and  
16 Professions Code, to read:

17 4999.25. The settings described in Section 4999.22 are exempt  
18 settings and do not fall under the jurisdiction of this chapter or the  
19 board except as specified in Section 4999.22, and with the  
20 following exceptions:

21 (a) Any individual working or volunteering in an exempt setting  
22 who is licensed or registered under this chapter shall fall under the  
23 jurisdiction of the board and is not exempt from this chapter.

24 (b) An entity that is licensed or certified by a government  
25 regulatory agency to provide health care services shall not be  
26 considered an exempt setting unless it directly meets the criteria  
27 described in Section 4999.22.

28 SEC. 21. Section 4999.26 is added to the Business and  
29 Professions Code, to read:

30 4999.26. (a) For the purposes of this chapter, the following  
31 definitions apply:

32 (1) “Nonexempt setting” means a setting that does not qualify  
33 as an exempt setting, as specified in Section 4999.22.

34 (2) “Private practice” means a type of nonexempt setting that  
35 meets all of the following criteria:

36 (A) The practice is owned by a health professional who is  
37 licensed under this division, either independently or jointly with  
38 one or more other health professionals who are licensed under this  
39 division.

1 (B) The practice provides clinical mental health services,  
2 including psychotherapy, to clients.

3 (C) One or more licensed health professionals are responsible  
4 for the practice and for the services provided and set conditions  
5 of client payment or reimbursement for the provision of services.

6 (3) “Professional corporation” means a type of nonexempt  
7 setting and private practice that has been formed pursuant to Part  
8 4 (commencing with Section 13400) of Division 3 of Title 1 of  
9 the Corporations Code.

10 (b) An entity that is licensed or certified by a government  
11 regulatory agency to provide health care services shall not be  
12 considered a private practice setting.

13 (c) An active license or registration number shall be required  
14 to engage in the practice of professional clinical counseling, as  
15 defined in Section 4999.20, in nonexempt settings at all times,  
16 except as follows:

17 (1) A trainee may engage in the practice of professional clinical  
18 counseling in a nonexempt setting that is not a private practice or  
19 a professional corporation while they are gaining supervised  
20 experience that meets the requirements of this chapter under the  
21 jurisdiction and supervision of their school as specified in Section  
22 4999.36.

23 (2) An applicant for registration as an associate may engage in  
24 the practice of professional clinical counseling in a nonexempt  
25 setting that is not a private practice or a professional corporation  
26 before the registration number is issued if they are in compliance  
27 with subdivision (b) of Section 4999.46 and are gaining supervised  
28 experience that meets the requirements of this chapter.

29 SEC. 22. Section 4999.46 of the Business and Professions  
30 Code is amended to read:

31 4999.46. (a) Except as provided in subdivision (b), all  
32 applicants shall have an active associate registration with the board  
33 in order to gain postdegree hours of supervised experience.

34 (b) (1) ~~Preregistered postdegree~~ *Postdegree* hours of experience  
35 *gained before the issuance of an associate registration* shall be  
36 credited toward licensure if all of the following apply:

37 (A) The registration applicant applies for the associate  
38 registration and the board receives the application within 90 days  
39 of the granting of the qualifying master’s degree or doctoral degree.

1 (B) For applicants completing graduate study on or after January  
2 1, 2020, the experience is obtained at a workplace that, prior to  
3 the registration applicant gaining supervised experience hours,  
4 requires completed Live Scan fingerprinting. The applicant shall  
5 provide the board with a copy of that completed State of California  
6 “Request for Live Scan Service” form with their application for  
7 licensure.

8 (C) The board subsequently grants the associate registration.

9 (2) The applicant shall not be employed or volunteer in a private  
10 practice *or a professional corporation* until they have been issued  
11 an associate registration by the board.

12 (c) Supervised experience that is obtained for the purposes of  
13 qualifying for licensure shall be related to the practice of  
14 professional clinical counseling and comply with the following:

15 (1) A minimum of 3,000 postdegree hours performed over a  
16 period of not less than two years (104 weeks).

17 (2) Not more than 40 hours in any seven consecutive days.

18 (3) Not less than 1,750 hours of direct clinical counseling with  
19 individuals, groups, couples, or families using a variety of  
20 psychotherapeutic techniques and recognized counseling  
21 interventions.

22 (4) Not less than 150 hours of clinical experience in a hospital  
23 or community mental health setting, as defined in Section 4999.12.

24 (5) A maximum of 1,250 hours of nonclinical practice,  
25 consisting of direct supervisor contact, administering and  
26 evaluating psychological tests, writing clinical reports, writing  
27 progress or process notes, ~~client-centered~~ *client-centered* advocacy,  
28 and workshops, seminars, training sessions, or conferences directly  
29 related to professional clinical counseling that have been approved  
30 by the applicant’s supervisor.

31 (6) A maximum of 1,200 hours gained under the supervision  
32 of a licensed educational psychologist providing educationally  
33 related mental health services that are consistent with the scope  
34 of practice of an educational psychologist, as specified in Section  
35 4989.14.

36 (d) An individual who submits an application for licensure  
37 between January 1, 2016, and December 31, 2020, may  
38 alternatively qualify under the experience requirements of this  
39 section that were in place on January 1, 2015.

1 (e) Experience hours shall not have been gained more than six  
2 years prior to the date the application for licensure was received  
3 by the board.

4 SEC. 23. Section 4999.46.2 of the Business and Professions  
5 Code is amended to read:

6 4999.46.2. (a) Except for experience gained by attending  
7 workshops, seminars, training sessions, or conferences, as  
8 described in paragraph (5) of subdivision (c) of Section 4999.46,  
9 direct supervisor contact shall occur as follows:

10 (1) Supervision shall include at least one hour of direct  
11 supervisor contact in each week for which experience is credited  
12 in each work setting.

13 (2) A trainee shall receive an average of at least one hour of  
14 direct supervisor contact for every five hours of direct clinical  
15 counseling performed each week in each setting. For experience  
16 gained after January 1, 2009, no more than six hours of supervision,  
17 whether individual, triadic, or group, shall be credited during any  
18 single week.

19 (3) An associate gaining experience who performs more than  
20 10 hours of direct clinical counseling in a week in any setting shall  
21 receive at least one additional hour of direct supervisor contact for  
22 that setting. For experience gained after January 1, 2009, no more  
23 than six hours of supervision, whether individual supervision,  
24 triadic supervision, or group supervision, shall be credited during  
25 any single week.

26 (4) Of the 104 weeks of required supervision, 52 weeks shall  
27 be individual supervision, triadic supervision, or a combination of  
28 both.

29 (b) For purposes of this chapter, “one hour of direct supervisor  
30 contact” means any of the following:

31 (1) Individual supervision, which means one hour of face-to-face  
32 contact between one supervisor and one supervisee.

33 (2) Triadic supervision, which means one hour of face-to-face  
34 contact between one supervisor and two supervisees.

35 (3) Group supervision, which means two hours of face-to-face  
36 contact between one supervisor and no more than eight supervisees.  
37 Segments of group supervision may be split into no less than one  
38 continuous hour. The supervisor shall ensure that the amount and  
39 degree of supervision is appropriate for each supervisee.



1 (c) Direct supervisor contact shall occur within the same week  
2 as the hours claimed.

3 (d) *Alternative supervision may be arranged during a*  
4 *supervisor’s vacation or sick leave if the alternative supervision*  
5 *meets the requirements in this chapter.*

6 ~~(d)~~

7 (e) Notwithstanding subdivision (b), ~~an associate working in a~~  
8 ~~governmental entity, school, college, university, or institution that~~  
9 ~~is both nonprofit and charitable~~ *a supervisee working in an exempt*  
10 *setting described in Section 4999.22* may obtain the required  
11 weekly direct supervisor contact via two-way, real-time  
12 videoconferencing. The supervisor shall be responsible for ensuring  
13 compliance with federal and state laws relating to confidentiality  
14 of patient health information.

15 ~~(e)~~

16 (f) Notwithstanding any other law, once the required number  
17 of experience hours are gained, associates and applicants for  
18 licensure shall receive a minimum of one hour of direct supervisor  
19 contact per week for each practice setting in which direct clinical  
20 counseling is performed. Once the required number of experience  
21 hours are gained, further supervision for nonclinical practice, as  
22 defined in paragraph (5) of subdivision (c) of Section 4999.46,  
23 shall be at the supervisor’s discretion.

24 SEC. 24. Section 4999.46.3 of the Business and Professions  
25 Code is amended to read:

26 4999.46.3. (a) A clinical counselor trainee, associate, or  
27 applicant for licensure shall only perform mental health and related  
28 services as an employee or volunteer, and not as an independent  
29 contractor. The requirements of this chapter regarding hours of  
30 experience and supervision shall apply equally to employees and  
31 volunteers. A clinical counselor trainee, associate, or applicant for  
32 licensure shall not perform any services or gain any experience  
33 within the scope of practice of the profession, as defined in Section  
34 4999.20, as an independent contractor. While an associate may be  
35 either a paid employee or a volunteer, employers are encouraged  
36 to provide fair remuneration.

37 (1) If employed, an associate shall provide the board, upon  
38 application for licensure, with copies of the corresponding W-2  
39 tax forms for each year of experience claimed.

1 (2) If volunteering, an associate shall provide the board, upon  
2 application for licensure, with a letter from ~~his or her~~ *their*  
3 employer verifying the associate's status as a volunteer during the  
4 dates the experience was gained.

5 (b) A clinical counselor trainee shall not perform services in a  
6 private ~~practice~~. *practice or professional corporation.*

7 (c) A trainee shall complete the required predegree supervised  
8 practicum or field study experience in a setting that meets all of  
9 the following requirements:

10 (1) Is not a private ~~practice~~. *practice or a professional*  
11 *corporation.*

12 (2) Lawfully and regularly provides mental health counseling  
13 or psychotherapy.

14 (3) Provides oversight to ensure that the clinical counselor  
15 trainee's work at the setting meets the experience and supervision  
16 requirements in this chapter and is within the scope of practice of  
17 the profession, as defined in Section 4999.20.

18 (4) Only experience gained in the position for which the clinical  
19 counselor trainee volunteers or is employed shall qualify as  
20 supervised practicum or field study experience.

21 (d) (1) An associate may be credited with supervised experience  
22 completed in any setting that meets both of the following:

23 (A) Lawfully and regularly provides mental health counseling  
24 or psychotherapy.

25 (B) Provides oversight to ensure that the associate's work at the  
26 setting meets the experience and supervision requirements in this  
27 chapter and is within the scope of practice for the profession, as  
28 defined in Section 4999.20.

29 (2) Only experience gained in the position for which the  
30 associate volunteers or is employed shall qualify as supervised  
31 experience.

32 (3) An applicant for registration as an associate shall not be  
33 employed or volunteer in a private practice ~~until he or she has~~ *or*  
34 *professional corporation until they have* been issued an associate  
35 registration by the board.

36 (e) Any experience obtained under the supervision of a spouse,  
37 relative, or domestic partner shall not be credited toward the  
38 required hours of supervised experience. Any experience obtained  
39 under the supervision of a supervisor with whom the applicant has  
40 had or currently has a personal, professional, or business

1 relationship that undermines the authority or effectiveness of the  
2 supervision shall not be credited toward the required hours of  
3 supervised experience.

4 (f) A clinical counselor trainee, associate, or applicant for  
5 licensure shall not receive any remuneration from patients or clients  
6 and shall only be paid by ~~his or her~~ *their* employer, if an employee.

7 (g) A clinical counselor trainee, associate, or applicant for  
8 licensure shall have no proprietary interest in ~~his or her~~ *their*  
9 employer's business and shall not lease or rent space, pay for  
10 furnishings, equipment, or supplies, or in any other way pay for  
11 the obligations of ~~his or her~~ *their* employer.

12 (h) A clinical counselor trainee, associate, or applicant for  
13 licensure who provides voluntary services in any lawful work  
14 setting ~~other than a private practice~~ and who only receives  
15 reimbursement for expenses actually incurred shall be considered  
16 an employee. The board may audit an applicant for licensure who  
17 receives reimbursement for expenses and the applicant for licensure  
18 shall have the burden of demonstrating that the payments received  
19 were for reimbursement of expenses actually incurred.

20 (i) A clinical counselor trainee, associate, or applicant for  
21 licensure who receives a stipend or educational loan repayment  
22 from a program designed to encourage demographically  
23 underrepresented groups to enter the profession or to improve  
24 recruitment and retention in underserved regions or settings shall  
25 be considered an employee. The board may audit an applicant who  
26 receives a stipend or educational loan repayment and the applicant  
27 shall have the burden of demonstrating that the payments were for  
28 the specified purposes.

29 (j) Each educational institution preparing applicants pursuant  
30 to this chapter shall consider requiring, and shall encourage, its  
31 students to undergo individual, marital, conjoint, family, or group  
32 counseling or psychotherapy, as appropriate. Each supervisor shall  
33 consider, advise, and encourage ~~his or her~~ *their* associates and  
34 trainees regarding the advisability of undertaking individual,  
35 marital, conjoint, family, or group counseling or psychotherapy,  
36 as appropriate. Insofar as it is deemed appropriate and is desired  
37 by the applicant, educational institutions and supervisors are  
38 encouraged to assist the applicant to locate that counseling or  
39 psychotherapy at a reasonable cost.

1 SEC. 25. Section 4999.46.4 of the Business and Professions  
2 Code is amended to read:

3 4999.46.4. (a) A clinical counselor trainee, associate, or  
4 applicant for licensure shall only perform mental health and related  
5 services at the places where their employer permits business to be  
6 conducted.

7 ~~(b) An associate who is employed or volunteering in a private  
8 practice shall be supervised by an individual who is employed by,  
9 and shall practice at the same site as, the associate's employer.  
10 Alternatively, the supervisor may be an owner of the private  
11 practice. However, if the site is incorporated, the supervisor must  
12 be employed full time at the site and be actively engaged in  
13 performing professional services at the site.~~

14 ~~(c) A supervisor at a private practice or a corporation shall not  
15 supervise more than a total of three supervisees at any one time.  
16 A supervisee may be registered as an associate marriage and family  
17 therapist, an associate professional clinical counselor, or an  
18 associate clinical social worker.~~

19 ~~(d) In a setting that is not a private practice:~~

20 ~~(1) A written oversight agreement, as specified in regulation,  
21 shall be executed between the supervisor and employer when the  
22 supervisor is not employed by the supervisee's employer or is a  
23 volunteer.~~

24 ~~(2) A supervisor shall evaluate the site or sites where an  
25 associate will be gaining experience to determine that the site or  
26 sites provide experience that is in compliance with the requirements  
27 set forth in this chapter.~~

28 ~~(e) Alternative supervision may be arranged during a  
29 supervisor's vacation or sick leave if the alternative supervision  
30 meets the requirements in this chapter and regulation.~~

31 *(b) An associate who is employed by or volunteering in a private  
32 practice or a professional corporation shall be supervised by an  
33 individual who is both of the following:*

34 *(1) Is employed by or contracted by the associate's employer  
35 or is an owner of the private practice or professional corporation.*

36 *(2) Provides psychotherapeutic services to clients at the same  
37 site as the associate.*

38 *(c) Supervisors of supervisees in a nonexempt setting shall not  
39 serve as individual or triadic supervisors for more than six  
40 supervisees at any time. Supervisees may be registered as associate*

1 *marriage and family therapists, associate professional clinical*  
2 *counselors, associate clinical social workers, or any combination*  
3 *of these registrations.*

4 *(d) A written oversight agreement, as specified by the board by*  
5 *regulation, shall be executed between the supervisor and employer*  
6 *when the supervisor is not employed by the supervisee's employer*  
7 *or is a volunteer. The supervisor shall evaluate the site or sites*  
8 *where the supervisee will be gaining experience to determine that*  
9 *the site or sites comply with the requirements of this chapter.*

10 SEC. 26. Section 4999.72 of the Business and Professions  
11 Code is amended to read:

12 4999.72. Any licensed professional clinical counselor who  
13 ~~conducts a private practice under~~ *owns a business using* a fictitious  
14 business name shall not use any name that is false, misleading, or  
15 deceptive, and shall inform the patient, prior to the commencement  
16 of treatment, of the name and license designation of the owner or  
17 owners of the practice.

18 SEC. 27. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 the only costs that may be incurred by a local agency or school  
21 district will be incurred because this act creates a new crime or  
22 infraction, eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section 17556 of  
24 the Government Code, or changes the definition of a crime within  
25 the meaning of Section 6 of Article XIII B of the California  
26 Constitution.

O

***Blank Page***

# ATTACHMENT B

## Clinical Supervision Disparity between NonProfit and For-Profit Settings

*(From Josey Baker, LCSW, PPSC, Medical Social Worker, The Permanente Medical Group, Inc)*

This is the Regulation that we are interested in bringing to the attention of the advisory committee:

**§ 4999.46.4. SUPERVISEES: LOCATION OF SERVICES; MAXIMUM NUMBER OF REGISTRANTS; OVERSIGHT AGREEMENT**

*(a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where their employer permits business to be conducted.*

*(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.*

Here is a basic outline of the disparities between nonprofit and for-profit settings:

Did you know it is extremely difficult for some medical social workers in for-profit settings to get their clinical supervision hours to earn their LCSW despite holding similar job descriptions as their non-profit cohorts?	
Medical social workers in non-profit settings can hire someone to provide clinical supervision.	Medical social workers in for-profit settings can't.
Medical social workers in non-profit settings can have someone volunteer to provide clinical supervision.	Medical social workers in for-profit settings can't.
For non-profit medical social workers, a clinical supervisor must <ul style="list-style-type: none"> <li>• be licensed in approved profession,</li> <li>• practiced psychotherapy for at least two years, and</li> <li>• completed supervision training.</li> </ul>	In addition to the basic clinical supervisor requirements, medical social workers in for-profit settings must find someone who works in the same building (regardless of department/specialty) for at least 20 hours/week.
Social workers in non-profit settings can pick up extra work hours anywhere and have <u>all of</u> those work hours be counted towards their clinical work experience.	Social workers in for-profit settings who pick up extra work hours within the same department with the same direct manager and director, but happens to be located at another building, would need to find a clinical supervisor for each building.

## **ATTACHMENT B**

### **Clinical Supervision Disparity between NonProfit and For-Profit Settings**

This is a link to the petition signed by 301 MSW who are in support of amending the regulation mentioned above

<https://www.ipetitions.com/petition/all-medical-social-workers-should-be-treated-the>

If time allows, we would like to illustrate the unforeseen implications of this regulation on ASW's in for profit settings.



## Attachment C

### Scenarios: Supervision in Private Practice/Professional Corporation Proposed BPC §§4980.43.4(b)(2), 4996.23.3(b)(2), and 4999.46.4(b)(2)

#### Current Proposal

BPC §4980.43.4(b) An associate who is employed by or volunteering in a private practice or a professional corporation 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.~~

- (1) Is employed by or contracted by the associate's employer, or is an owner of the private practice or professional corporation, and
- (2) Provides psychotherapeutic services to clients at the same site as the associate.

#### Other Scenarios for (2)

(2a) Provides direct clinical counseling, supervision of pre-licensurees, (and/or non-clinical practice activities, as defined in section (4980.43(c)(10), 4996.23(d)(3), 4999.46(c)(5))?) for the associate's employer.

(2b) Provides psychotherapeutic services for the associate's employer.

(2c) Provides psychotherapeutic services for the same health care provider or organization (or medical group?) as the associate.

(2d) Meets one of the following:

- (i) Provides psychotherapeutic services to clients at the same site as the associate; or
- (ii) Provides psychotherapeutic services to clients at a site that is part of the same comprehensive group practice prepayment health care service plan that is operated as a unit of a coordinated group of health facilities that includes the site where the associate is working.

(2e) Either provides psychotherapeutic services to clients for the associate's employer, or meets both of the following:

- (i) The supervisor and the associate's employer have a written contract providing the supervisor the same access to the associate's clinical records provided to employees of that employer; and
- (ii) The associate's clients authorize the release of their clinical records to the supervisor.

DRAFT

**Table 1**  
**Current Bill Proposal: Requirements for Each Type of Setting**

	<b>Exempt Setting</b>	<b>Non-Exempt Setting Only</b>	<b>Entity is Both a Non-Exempt Setting AND Priv. Practice/Prof. Corporation</b>
<b>Limit of 6 Supervisees per Supervisor</b>	NO	YES	YES
<b>Supervision Via Videoconference Permitted</b>	YES	NO	NO
<b>Supervisor must be Employed/Contracted by the Associate's Employer or Be An Owner; Superrvisor Must Provide Psychotherapeutic Services to Clients at Same Site as the Associate</b>	NO	NO	YES
<b>Applicants Following 90 Day Rule Awaiting Registration Permitted to Work There</b>	YES	YES	NO
<b>Trainees Permitted to Work There</b>	YES	YES	NO

***Blank Page***