



Board of Behavioral Sciences

Memo

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To: Board Members **Date:** May 25, 2023
From: Rosanne Helms, Legislative Manager
Subject: **Discussion Of Amendments to AB 232 (Aguiar-Curry): Temporary Practice Allowances**

Background

At its November 2022 meeting, the Board of Behavioral Sciences (Board) approved statutory language and directed staff to pursue legislation to allow a 30-day temporary practice allowance to qualifying therapists licensed in another state whose client is visiting California or is in the process of moving here. The bill proposal has been introduced as AB 232 (Aguiar-Curry).

AB 232 (shown in **Attachment A**) does the following:

- Allows a licensee in another state with a current, active, and unrestricted license in a profession equivalent to the Board's marriage and family therapist, clinical social work, or professional clinical counselor professions to obtain a temporary practice allowance to see a travelling or relocating client for a period of 30 consecutive days in a calendar year.
- Requires the client to be located in California, and requires the client to have been the licensee's client immediately before the client travels to California.
- Requires the therapist to inform the client of the limited time frame of the services, provide their license information, and provide the Board's internet website address.
- Prior to providing services, the therapist must provide the Board with specified information about their license, identity, and contact information.

The proposal also includes a sunset date that aligns with the Board's 2026 sunset date, in case any adjustments to the law need to be made after implementation.

Requested Amendment from California Association of Marriage and Family Therapists (CAMFT)

CAMFT recently requested a clarifying technical amendment to the language shown in BPC §4980 of the bill. The Board approved that amendment at its May 5, 2023 meeting, and it is pending at the Legislature.

Additional Requested Amendment from Senate Committee on Business, Professions, and Economic Development

AB 232 is awaiting hearing in the Senate Committee on Business, Professions, and Economic Development (Senate B&P Committee). The Senate B&P Committee has requested that the Board consider clarifying a term in subparagraphs 4980.11(a)(4), 4996.16.1(a)(4), and 4999.23(a)(4) of the bill.

These three subparagraphs are identical and the bill is placing them in the LMFT, LCSW, and LPCC practice acts, respectively. They are included as one of the requirements a licensee needs to meet in order to qualify for the proposed temporary practice allowance, and currently state the following:

(a)(4) The client is a client of the person and was the person's client immediately before the client became located in California.

The Senate B&P Committee has requested the term "immediately" be clarified further.

After discussion, staff and stakeholders developed the following possible amendment, which Senate B&P staff has indicated they are agreeable to:

(a)(4) The client is a current client of the person and ~~was the person's client immediately has an established, ongoing client-provider relationship (or therapeutic relationship?) with the person at the time~~ before the client became located in California.

Recommendation

Conduct an open discussion of the proposed changes to BPC §§4980.11(a)(4), 4996.16.1(a)(4), and 4999.23(a)(4) shown above. Direct staff to make any discussed changes and any nonsubstantive changes to the language and submit it to the Legislature to be amended into AB 232.

Attachments

Attachment A: AB 232 (Aguiar-Curry): Temporary Practice Allowances Bill Text

ATTACHMENT A
CURRENT AB 232 TEXT

AMENDED IN ASSEMBLY MARCH 8, 2023
california legislature—2023–24 regular session

ASSEMBLY BILL

No. 232

Introduced by Assembly Member Aguiar-Curry

January 12, 2023

An act to amend Sections 4980, 4980.30, and 4991.2 of, to add the heading of Article 1 (commencing with Section 4991) to Chapter 14 of Division 2 of, and to add and repeal Sections 4980.11, 4996.16.1, and 4999.23-~~of~~ of, the Business and Professions Code, relating to healing arts.

legislative counsel's digest

AB 232, as amended, Aguiar-Curry. Temporary practice allowances.

Existing law, the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act generally govern the provision of marriage and family therapy services, clinical social work services, and professional clinical counseling services, respectively, in the state and prohibit a person from practicing those healing arts without a license granted pursuant to the respective provisions of each act.

This bill, until January 1, 2026, would, under all of the acts described above, authorize a person who holds a license in another jurisdiction of the United States as a marriage and family therapist, clinical social worker, or professional clinical counselor to provide services in the state for a period not to exceed 30 consecutive days in any calendar year if certain conditions are met, including the license from another jurisdiction is at the highest level for independent clinical practice in the jurisdiction in which the license was granted, the client is located in California during the time the person seeks to provide care in

California, and the client is a client of the person and was the person’s client immediately before the client became located in California. The bill would require a person who intends to provide services pursuant to those provisions to provide the Board of Behavioral Sciences with certain information before providing services, including the jurisdiction in which the person is licensed, the type of license held, and the license number. *The bill would also make various nonsubstantive and conforming changes.*

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

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

1 SECTION 1. Section 4980 of the Business and Professions
2 Code is amended to read:

3 4980. (a) (1) Many California families and many individual
4 Californians are experiencing difficulty and ~~distress~~, *distress* and
5 are in need of wise, competent, caring, compassionate, and effective
6 counseling in order to enable them to improve and maintain healthy
7 family relationships.

8 (2) Healthy individuals and healthy families and healthy
9 relationships are inherently beneficial and crucial to a healthy
10 ~~society~~, *society* and are our most precious and valuable natural
11 resource. Licensed marriage and family therapists provide a crucial
12 support for the well-being of the people and the State of California.

13 (b) ~~No~~ A person ~~may shall not~~ engage in the practice of marriage
14 and family ~~therapy~~ *therapy*, as defined by Section 4980.02, unless
15 ~~he or she~~ *the person* holds a valid license as a marriage and family
16 ~~therapist, or unless he or she is specifically exempted from that~~
17 ~~requirement, nor may any person advertise himself or herself as~~
18 ~~performing the services of a marriage, family, child, domestic, or~~
19 ~~marital consultant, or in any way use these or any similar titles,~~
20 ~~including the letters “L.M.F.T.” “M.F.T.,” or “M.F.C.C.,” or other~~
21 ~~name, word initial, or symbol in connection with or following his~~
22 ~~or her name to imply that he or she performs these services without~~
23 ~~a license as provided by this chapter. Persons licensed under Article~~
24 ~~4 (commencing with Section 4996) of Chapter 14 of Division 2,~~
25 ~~or under Chapter 6.6 (commencing with Section 2900) may engage~~
26 ~~in such practice or advertise that they practice marriage and family~~

1 ~~therapy but may not advertise that they hold the marriage and~~
2 ~~family therapist's license. therapist pursuant to this chapter.~~

3 (c) Except as provided in subdivision (d), a person shall not do
4 either of the following without a license obtained pursuant to this
5 chapter.

6 (1) Advertise that the person performs the services of a
7 marriage, family, child, domestic, or marital consultant.

8 (2) Use the titles listed in paragraph (1) or any similar titles,
9 including the letters "L.M.F.T." "M.F.T.," or "M.F.C.C.," or
10 other name, word, initial, or symbol in connection with or following
11 the person's name to imply that the person performs the services
12 suggested by those titles.

13 (d) (1) A person licensed under Article 4 (commencing with
14 Section 4996) of Chapter 14 or under Chapter 6.6 (commencing
15 with Section 2900) may engage in the practice of marriage and
16 family therapy and advertise that the person practices marriage
17 and family therapy.

18 (2) A person described in paragraph (1) shall not advertise that
19 the person holds the marriage and family therapist's license, unless
20 the person is licensed pursuant to this chapter.

21 ~~SECTION 1.~~

22 SEC. 2. Section 4980.11 is added to the Business and
23 Professions Code, to read:

24 4980.11. (a) Notwithstanding Section 4980, a person who
25 holds a license in another jurisdiction of the United States as a
26 marriage and family therapist may provide marriage and family
27 therapy services in this state for a period not to exceed 30
28 consecutive days in any calendar year, if all of the following
29 conditions are met:

30 (1) The license from another jurisdiction is at the highest level
31 for independent clinical practice in the jurisdiction in which the
32 license was granted.

33 (2) The license from another jurisdiction is current, active, and
34 unrestricted.

35 (3) The client is located in California during the time the person
36 seeks to provide care in California.

37 (4) The client is a client of the person and was the person's
38 client immediately before the client became located in California.

1 (5) The person informs the client of the limited time frame of
2 the services and that ~~they are~~ *the person is* not licensed in
3 California.

4 (6) The person provides the client with the Board of Behavioral
5 Sciences' internet website address.

6 (7) The person informs the client of the jurisdiction in which
7 ~~they are~~ *the person is* licensed and the type of license held and
8 provides the client with the person's license number.

9 (b) A person who intends to provide marriage and family therapy
10 services pursuant to this section shall provide the board with all
11 of the following information before providing services:

12 (1) The name under which the person is licensed in another
13 jurisdiction, the person's mailing address, the person's phone
14 number, the person's social security number or individual taxpayer
15 identification number, and the person's electronic mailing address,
16 if the person has an electronic mailing address.

17 (2) The jurisdiction in which the person is licensed, the type of
18 license held, and the license number.

19 (3) The date on which the person will begin providing marriage
20 and family therapy services to the person's client in California.

21 (c) A person who provides services pursuant to this section is
22 deemed to have agreed to practicing under the jurisdiction of the
23 board and to be bound by the laws of this state.

24 (d) This section does not apply to any person licensed by the
25 board whose license has been suspended or revoked.

26 (e) This section shall remain in effect only until January 1, 2026,
27 and as of that date is repealed.

28 *SEC. 3. Section 4980.30 of the Business and Professions Code*
29 *is amended to read:*

30 4980.30. Except as otherwise provided ~~herein~~, *by this chapter,*
31 ~~a person desiring to practice and to~~ *shall not practice, or advertise*
32 ~~the performance of of,~~ *marriage and family therapy services shall*
33 ~~apply unless the person has applied to the board for a license, pay~~
34 ~~paid~~ *the license fee required by this chapter, and obtain* ~~obtained~~
35 *a license from the board.*

36 *SEC. 4. The heading of Article 1 (commencing with Section*
37 *4991) is added to Chapter 14 of Division 2 of the Business and*
38 *Professions Code, to read:*

39
40 *Article 1. General Provisions*

1 SEC. 5. Section 4991.2 of the Business and Professions Code
2 is amended to read:

3 4991.2. For purposes of this chapter:

4 ~~“Accredited~~

5 (a) ~~“Accredited school of social work,” within the meaning of~~
6 ~~this chapter, is work”~~ means a school that is accredited by the
7 Commission on Accreditation of the Council on Social Work
8 Education.

9 (b) ~~“Board”~~ means the Board of Behavioral Sciences.

10 ~~SEC. 2.~~

11 SEC. 6. Section 4996.16.1 is added to the Business and
12 Professions Code, to read:

13 4996.16.1. (a) Notwithstanding Section 4996, a person who
14 holds a license in another jurisdiction of the United States as a
15 clinical social worker may provide clinical social work services
16 in this state for a period not to exceed 30 consecutive days in any
17 calendar year, if all of the following conditions are met:

18 (1) The license from another jurisdiction is at the highest level
19 for independent clinical practice in the jurisdiction in which the
20 license was granted.

21 (2) The license from another jurisdiction is current, active, and
22 unrestricted.

23 (3) The client is located in California during the time the person
24 seeks to provide care in California.

25 (4) The client is a client of the person and was the person’s
26 client immediately before the client ~~is~~ became located in California.

27 (5) The person informs the client of the limited time frame of
28 the services and that ~~they are~~ the person is not licensed in
29 California.

30 (6) The person provides the client with the Board of Behavioral
31 Sciences’ internet website address.

32 (7) The person informs the client of the jurisdiction in which
33 the person is licensed and the type of license held and provides
34 the client with the person’s license number.

35 (b) A person who intends to provide clinical social work services
36 pursuant to this section shall provide the ~~Board of Behavioral~~
37 ~~Sciences~~ board with all of the following information before
38 providing services:

39 (1) The name under which the person is licensed in another
40 jurisdiction, the person’s mailing address, the person’s phone

1 number, the person’s social security number or individual taxpayer
 2 identification number, and the person’s electronic mailing address,
 3 if the person has an electronic mailing address.

4 (2) The jurisdiction in which the person is licensed, the type of
 5 license held, and the license number.

6 (3) The date on which the person will begin providing clinical
 7 social work services to the person’s client in California.

8 (c) A person who provides services pursuant to this section is
 9 deemed to have agreed to practicing under the jurisdiction of the
 10 board and to be bound by the laws of this state.

11 (d) This section does not apply to any person licensed by ~~this~~
 12 *the* board whose license has been suspended or revoked.

13 (e) This section shall remain in effect only until January 1, 2026,
 14 and as of that date is repealed.

15 ~~SEC. 3.~~

16 *SEC. 7.* Section 4999.23 is added to the Business and
 17 Professions Code, to read:

18 4999.23. (a) Notwithstanding Section 4999.30, a person who
 19 holds a license in another jurisdiction of the United States as a
 20 professional clinical counselor may provide professional clinical
 21 counseling services in this state for a period not to exceed 30
 22 consecutive days in any calendar year, if all of the following
 23 conditions are met:

24 (1) The license from another jurisdiction is at the highest level
 25 for independent clinical practice in the jurisdiction in which the
 26 license was granted.

27 (2) The license from another jurisdiction is current, active, and
 28 unrestricted.

29 (3) The client is located in California during the time the person
 30 seeks to provide care in California.

31 (4) The client is a client of the person and was the person’s
 32 client immediately before the client *is* ~~is~~ *became* located in California.

33 (5) The person informs the client of the limited time frame of
 34 the services and that the person is not licensed in California.

35 (6) The person provides the client with the Board of Behavioral
 36 Sciences’ internet website address.

37 (7) The person informs the client of the jurisdiction in which
 38 the person is licensed and the type of license held and provides
 39 the client with the person’s license number.

1 (b) A person who intends to provide professional clinical
2 counseling services pursuant to this section shall provide the board
3 with *all of* the following information before providing services:

4 (1) The name under which the person is licensed in another
5 jurisdiction, the person's mailing address, the person's phone
6 number, the person's social security number or individual taxpayer
7 identification number, and the person's electronic mailing address,
8 if the person has an electronic mailing address.

9 (2) The jurisdiction in which the person is licensed, the type of
10 license held, and the license number.

11 (3) The date on which the person will begin providing
12 professional clinical counseling services to the person's client in
13 California.

14 (c) A person who provides services pursuant to this section is
15 deemed to have agreed to practicing under the jurisdiction of the
16 board and to be bound by the laws of this state.

17 (d) This section does not apply to any person licensed by ~~this~~
18 *the* board whose license has been suspended or revoked.

19 (e) This section shall remain in effect only until January 1, 2026,
20 and as of that date is repealed.

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