

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

Issues with the 12-Hour Law and Ethics Course

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

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

Pass Rates for the California Law and Ethics Exam

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

Recommendation

The Committee may wish to weigh whether requiring registrants who fail the L&E exam in a renewal cycle to take a 12-hour California law and ethics course provides a true public protection benefit.

Should the Committee decide to pursue deleting the course requirement, the following public protection elements would remain in place:

- a) Registrants would still be required to attempt the California L&E exam every renewal period, so they have an incentive to try to pass it.
- b) Registrants who are gaining hours toward licensure must always be working under a qualified supervisor.
- c) Registrants may not obtain a subsequent registration number until they have passed the L&E exam.

In its discussion, the Committee should also note that all applicants for a registration (both in-state and out-of-state) are required to take California law and ethics coursework as an education requirement before an associate registration is issued, with the exception of marriage and family therapist in-state applicants with a degree that was begun prior to August 1, 2012. These applicants are subject to an older version of the law, which requires the coursework be completed before a license is issued (Business and Professions Code (BPC) §4980.41).

Attachments

Attachment A: California Law and Ethics Examination Pass Rates

Attachment B: Reference Sections: California Law and Ethics Examination Requirement (BPC §§4980.399, 4992.09, 4999.55)

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

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

**ATTACHMENT B
REFERENCE SECTIONS**

LMFTs

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

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

LCSWs

BPC § 4992.09. CALIFORNIA LAW AND ETHICS EXAMINATION

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

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

LPCCs

BPC § 4999.55. CALIFORNIA LAW AND ETHICS EXAMINATION

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