

AB 1758 FAQs: Supervision of Applicants for Licensure via Videoconferencing

AB 1758 has been signed by the Governor and is now law, effective August 29, 2022 (Chapter 204, Statutes of 2022). The full text of the bill can be found [here](#).

AB 1758 has been signed into law and is effective as of August 29, 2022. The bill changes the law regarding supervision as follows:

- It allows face-to-face direct supervisor contact between a supervisor and a supervisee in all settings to be either in-person contact, contact via two-way, real-time videoconferencing, or some combination of these.
- It requires that within 60 days of the commencement of supervision, the supervisor must conduct a meeting with their supervisee to assess the appropriateness of allowing the supervisee to receive supervision via two-way, real-time videoconferencing. The assessment must include, but is not limited to, all of the following:
 - The abilities of the supervisee;
 - The preferences of both the supervisee and supervisor;
 - The privacy of the locations of the supervisee and supervisor while supervision is conducted.
- The supervisor must document the results of their assessment. If their assessment finds that supervision via two-way, real-time videoconferencing is not appropriate with that supervisee, then they shall not utilize it.

In all settings, the supervisor is always responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

Background

Individuals seeking licensure with the Board as a marriage and family therapist (LMFT), clinical social worker (LCSW) or professional clinical counselor (LPCC) must first obtain

3,000 hours of experience under the supervision of a licensed mental health professional.

Previously, the law required supervisees to meet with their supervisor weekly in-person, unless they were working in an exempt setting (a governmental entity, a school, college, or university, or an institution that is nonprofit and charitable). If in an exempt setting, supervision via two-way, real-time videoconferencing was allowed.

The COVID-19 State of Emergency dramatically shifted the landscape of mental health therapy. While telehealth and supervision via videoconferencing was used by some beforehand, the professions shifted from largely being in-person to being via electronic platforms almost overnight. As a result of stay-at-home emergency orders, the Governor granted the Director of the Department of Consumer Affairs (DCA) the authority to issue temporary law waivers in order to ensure continued public health and safety. One law waiver that was granted allowed Board supervisees to obtain their required supervision via videoconferencing, regardless of whether or not they were working in an exempt setting.

This law waiver was found to have numerous benefits related to supervision access, which is why, after study and discussion, the Board decided to pursue the law changes in AB 1758.

Is this change permanent?

This law change is in effect until January 1, 2026. As that date approaches, the Board will be monitoring the effects of the law change, including feedback it receives and the latest academic research on the subject. The Board will then determine whether or not the law change should be extended, deleted, or made permanent.

If I have an existing supervisee, do I still need to complete the assessment within 60 days?

No. The requirement of the documented assessment is only for new supervisor-supervisee relationships established as of August 29, 2022. However, it still remains the supervisor's responsibility to ensure that supervision via videoconferencing is appropriate for each of their supervisees if it is being utilized.

May I supervise (or receive supervision) via telephone?

No. Supervision via telephone is not permitted because it does not have a face-to-face component. Supervision must be via two-way, real-time videoconferencing.

Does this law change apply to trainees also?

Yes. It applies to all supervisees.

The law waiver had previously allowed all forms of telehealth (including telephone) to count toward the face-to-face practicum hours requirement for marriage and family therapist and professional clinical counselor trainees. Is this still the case?

No. AB 1758 did not make any law changes to the face-to-face practicum hours requirement for MFT and PCC trainees. There was a waiver during the COVID-19 State of Emergency to allow these practicum hours to be gained via all forms of telehealth, but that law waiver expired on August 31, 2022. Moving forward, required practicum hours gained after August 31, 2022 must be face-to-face, meaning they must be in-person or via two-way, real-time videoconferencing.

Practicum hours gained via any form of telehealth while the law waiver was in effect during the pandemic will continue to be accepted.