



3. **Definition of Supervision:** The proposed changes are based on the following items requested by the Committee:
- a. An amendment to require the supervisor to monitor for and attend to countertransference issues;
  - b. An amendment to require the supervisor to review progress notes, process notes, and other treatment records, and also to engage in direct observation or review of audio or video recordings, as the supervisor deems appropriate.

Additionally, a minor change to (b)(1) was made for consistency with the LMFT and LPCC professions.

*Sections Affected: BPC §4996.20(b), 16 CCR §1870*

4. **Split BPC Section 4996.23:** BPC Section 4996.23 has been divided into smaller sections, with each new section focused on a specific topic of supervision.

*Sections Affected/Added: BPC §§4996.23 – 4996.24.1*

5. **Move BPC Section 4996.24:** BPC Section 4996.24 has been moved into a new section, in order to group it with the other related provisions pertaining to supervision and employment settings.

*Sections Affected/Added: BPC §§4996.24, 4996.24.2*

6. **Amount of Direct Supervisor Contact Required for Applicants Finished Gaining Experience Hours:** Currently, the law does not specifically define how much direct supervisor contact an associate needs once he or she is finished gaining experience hours needed to count toward licensure. (An associate gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one additional hour if more than 10 hours of direct client contact that week, in order for the hours to count.)

At a previous meeting, the Committee recommended that the amount of supervision should be specified even if experience hours are no longer being counted. This amendment specifies that associates and applicants who have finished gaining experience hours must obtain at least one hour of supervision per week for each setting in which face-to-face psychotherapy is performed.

In addition, a stakeholder requested further clarification about amount of supervision required for nonclinical hours after experience hours are gained. Therefore, at the last meeting, the Committee decided to add the following sentence:

*“Once experience hours are gained, further supervision is not required for nonclinical practice as defined in section 4996.23(a)(3).”*

*Sections Affected/Added: BPC §§4996.23, 4996.23.1(i)*

- 7. Definition of “One Hour of Direct Supervisor Contact”; Triadic Supervision:** The revisions provide a specific definition of “one hour of direct supervisor contact.” Triadic supervision is now included in this definition.

*Section Added: BPC §4996.23.1(a)*

- 8. Amount of Individual Supervision; Triadic Supervision:** Current law requires an applicant to have obtained a minimum of one hour of individual supervision per week for at least 52 of the 104 weeks required. The proposed amendment would allow the 52 weeks of supervision to either be individual or triadic.

*Section Added: BPC §4996.23.1(e)*

- 9. Amount of Individual Supervision Under a LCSW:** Current law requires 13 weeks of an applicant’s supervised experience to include a minimum of one hour of individual supervision specifically under a LCSW. The proposed amendment would allow these 13 weeks of supervision to either be individual or triadic.

*Section Added: BPC §4996.23.1(f)*

- 10. Supervision in a Group:** Current law allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of group supervision is appropriate to each supervisee’s needs.

*Section Added: BPC §4996.23.1(g)*

- 11. Supervision via Videoconferencing and HIPAA Compliance:** Current law allows an associate working in an exempt setting to obtain supervision via videoconferencing. The Committee asked to add a statement requiring the videoconferencing be HIPAA compliant.

In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in law, as its name could possibly change over time. Therefore, staff has added a statement that *“The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.”*

*Section Added: BPC §4996.23.1(h)*

## **12. Employees and Volunteers: Gaining Experience vs Performing Services:**

Current LCSW statute allows associates to gain experience only as an employee or a volunteer, consistent with the other professions. However, LMFT and LPCC law additionally state that experience may not be gained as an independent contractor.

LMFT law additionally specifies that interns and trainees may only perform services as employees or volunteers, and not as independent contractors. Discussion needs to resolve whether the intent is to prohibit supervisees from performing services as independent contractors, or if they should only be prohibited from gaining experience as independent contractors.

*Section Added: BPC §4996.24.1(a)*

## **13. Employment, Supervision and Work Settings – Consistency with LMFT and LPCC:**

A number of provisions that currently exist in LMFT and LPCC law are proposed to be added to LCSW law for consistency with the other professions. Consistency would be helpful for supervisors, many of whom supervise for more than one different license type.

The provisions proposed to be added are summarized below:

- A. All experience and supervision requirements are applicable equally to employees and volunteers.
- B. Experience may be gained solely as part of the position for which the associate volunteers or is employed.
- C. Associates and applicants who receive a maximum of \$500 from all work settings, as reimbursement for expenses incurred for services rendered in a setting other than a private practice, shall be considered an employee and not an independent contractor.
- D. A supervisor must evaluate the associate's work site and determine that the site provides experience within the scope of practice, and that experience gained will be in compliance with all legal requirements.
- E. In any setting, alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in law.
- F. In any setting, associates and applicants shall only perform services where their employer regularly conducts business, which may include other locations if the services are performed under the direction and control of the employer and supervisor.
- G. In a private practice setting, the associate's supervisor must be one of the following:
  - o An owner or shareholder of the private practice OR
  - o Employed by the private practice AND regularly conduct business at the same site as the associate.

*Sections Added: BPC §§4996.24.1, 4996.24.2*

**14. Written Agreement when Supervisor is not Employed by the Associate’s Employer:**

Currently, an associate working in any setting may obtain supervision from a person not employed by the associate’s employer if the supervisor signs a written agreement with the employer to “take supervisory responsibility for the associate’s social work services.” The following amendments to this provision are proposed:

- A. Disallow in a private practice setting: No longer allow a written agreement for supervision by a person not employed by the private practice. This goes hand-in-hand with item 13 G above, which would require the supervisor to be an owner, shareholder or employed by the private practice. These provisions would avoid situations where an associate is working in a private practice without adequate supervisory oversight. Other settings, such as an agency, are more appropriate for this arrangement as they typically have more structure, support and other supervisory oversight.
  
- B. Change the content of the written agreement:
  - Rather than simply requiring the individual to take “supervisory responsibility,” which is inherent in any supervisory relationship, the proposed language would instead require the supervisor to, “ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee’s training, education, and experience, and is appropriate in extent, kind, and quality.”
  
  - The agreement would also require an acknowledgment by the employer that the employer:
    - Is aware of the licensing requirements that must be met by the supervisee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; AND
  
    - Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee.

These changes would result in consistency with LMFT and LPCC law, and would address the critical issue of the supervisor having access to clinical records.

*Sections Added: BPC §4996.24.2(e), 16 CCR §1869(a)*

**15. Handling Crises and Emergencies:**

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

*Section Added: 16 CCR §1870(k)*

**16. Required Supervisory Experience:** Current law requires that in order to supervise a registrant, a supervisor must have practiced psychotherapy or provided direct supervision for 2 of the past 5 years.

However, the wording of this law is inconsistent across the Board's license types, and in some cases it is unclear if supervision of LPCC trainees or social work students counts as qualifying supervisory experience. This amendment would clarify that supervision of LPCC trainees or social work students is acceptable as experience to qualify as a supervisor, and would make the language consistent for each of the Board's license types.

*Section Affected: 16 CCR §1870(a)*

**17. Required Training and Coursework for Supervisors:** Current law requires supervisors commencing supervision for the first time to complete a 15 hour supervision course covering specified topic areas. Age limits for the course are now specified (would apply only to new supervisors), and the course can be counted as continuing education if taken from an accepted provider. Also, any supervisor who has not supervised in 2 of the last 5 years must retake a 6 hour course.

This new section also specifies that supervisors must complete 6 hours of continuing professional development in each renewal period while supervising. This can consist of a supervision course, or other professional development activities such as teaching, research, or documented supervision mentoring.

In place of the above requirements, a supervisor may obtain and maintain a supervision certification from one of four specified entities. The Board also has discretion to accept certification from another entity if it believes its requirements are equivalent or greater. Such a certification exempts the supervisor from the 15 hour coursework and 6 hour professional development requirements, and it allows them to waive the requirement that they must have been licensed and either supervising or practicing psychotherapy for 2 of the past 5 years prior to commencing any supervision.

The proposed language is specifically worded so that it only applies to supervisors who are also Board licensees. Supervisors who are licensed psychologists or psychiatrists would not need to complete the supervision training and coursework.

*Section Added: 16 CCR §1871*

**18. Documentation of Supervisor Qualifications and Audits:** A regulation section was added to allow the Board to audit supervisor's records to verify they meet the supervisor qualifications. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years after the termination of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

The Board would likely audit a supervisor during a continuing education audit or if a complaint was received. The “Responsibility Statement for Supervisors of an Associate Clinical Social Worker” (revised 3/10, form #1800 37A-522), which supervisors must sign under penalty of perjury, will need to be amended to include the supervisor qualifications as well as instructions for appropriate documentation.

*Section Added: 16 CCR §1872*

**ATTACHMENTS:**

**Attachment A:** Proposed LCSW Supervision Language

**Attachment B:** Reference Sections – Current Law: BPC §§4996.18, 4996.23 and 4996.24; 16 CCR §§ 1870, 1871, 1874

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## ATTACHMENT A

### PROPOSED LCSW SUPERVISION LANGUAGE

#### **§4992.3. UNPROFESSIONAL CONDUCT; EFFECT ON LICENSEE OR REGISTRANT**

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

(d) Incompetence in the performance of clinical social work.

- (e) An act or omission that falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence.
- (f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.
- (g) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.
- (h) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.
- (i) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.
- (j) Intentionally or recklessly causing physical or emotional harm to any client.
- (k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (l) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.
- (m) Performing, or holding ~~one's~~ oneself out as being able to perform, or offering to perform or permitting, any registered associate clinical social worker, trainee, or intern or applicant under supervision to perform any professional services beyond the scope of the license authorized by this chapter. ~~one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.~~
- (n) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.
- (o) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(p) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (o).

(q) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(r) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device. A licensee shall limit access to that test or device to persons with professional interest who are expected to safeguard its use.

~~(s) Any conduct in the supervision of any registered associate clinical social worker, intern, or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.~~

~~(s) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.~~

~~(t) Permitting an applicant, trainee or registrant under one's supervision or control to perform, or permitting the supervisee to hold himself or herself out as competent to perform, professional services beyond the supervisee's level of education, training or experience.~~

(~~t~~u) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(~~u~~v) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(~~v~~w) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(~~w~~x) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(~~x~~y) Failure to comply with Section 2290.5.

(~~y~~z) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or

license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

([zaa](#)) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

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

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

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

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

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

(3) Commencing January 1, 2014, have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers, including instruction in all of the following areas of study:

(A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and his or her professional behavior and ethics.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

~~(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.~~

~~(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.~~

(fd) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(ge) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

~~(h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.~~

(f) All applicants and registrants shall be at all times under the supervision of an approved supervisor who shall be responsible for ensuring that the extent, kind, and

quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

(g) All applicants and registrants shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

### **§4996.20. ASSOCIATE CLINICAL SOCIAL WORKER; ACCEPTABLE SUPERVISORS AND SUPERVISION DEFINITION**

(a) "Approved Supervisor," as used in this chapter, means an individual who meets the requirements set forth in this chapter and in regulation. The requirements include the following: ~~For purposes of Section 4996.23(a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license~~

(1) Has been actively licensed in California or in any other state for at least two of the past five years as a licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, licensed psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, immediately prior to commencing any supervision.

(2) Has received professional training in supervision, as specified in this chapter and by regulation.

(3) Has not provided therapeutic services to the associate.

(4) Has and maintains a current and active California license that is not under suspension or probation.

(b) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided by the associate or applicant. Supervision includes the following:

(1) Ensuring that the extent, kind and quality of clinical social work performed by the associate supervisee is consistent with the education, training and experience of the person being supervised.

(2) Review client or patient records, monitoring and evaluating assessment, diagnosis and treatment decisions of the associate clinical social worker supervisee and providing regular feedback.

(3) Monitoring and evaluating the ability of the **associate supervisee** to provide services to the particular clientele being served at the site or sites where he or she will be practicing.

(4) Monitoring for and attending to any countertransference issues that may affect the practitioner-patient relationship.

(5) Ensuring compliance with all laws and regulations governing the practice of clinical social work.

(6) Review of progress notes, process notes and other treatment records, and also that amount of direct observation, or review of audio or video recordings of counseling or therapy, as deemed appropriate by the supervisor.

(7) Consultation or peer discussion shall not be considered to be supervision.

#### **§4996.23. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA ~~EFFECTIVE~~ JANUARY 1, 2002**

(a) To qualify for licensure as specified in Section 4996.2, each applicant shall complete 3,200 hours of post-master's degree supervised experience related to the practice of clinical social work. Experience shall not be gained until the applicant has been registered as an associate clinical social worker. The experience shall comply with the following:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker who qualifies as an approved supervisor. The remaining required supervised experience may be gained under the supervision of ~~a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board~~ an approved supervisor holding any of the license types listed as acceptable in this chapter.

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling.

(3) A maximum of 1,200 hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.

(5) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.

(6) Experience shall not be credited for more than 40 hours in any week.

(7) No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(b) An individual who submits an application for ~~examination-eligibility licensure~~ licensure between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements that were in place on January 1, 2015.

~~(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.~~

~~(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.~~

~~(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.~~

~~(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).~~

~~(5c) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.~~

~~(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.~~

~~(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.~~



~~(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.~~

~~(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.~~

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

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

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

~~(gd) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.~~

~~(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.~~

~~(id) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

~~(j) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.~~

~~(k) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.~~

~~(l) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.~~

~~(m) An associate shall not do the following:~~

~~(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.~~

~~(2) Have any proprietary interest in the employer's business.~~

~~(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.~~

~~(n) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.~~

~~(o) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.~~

### **4996.23.1 DIRECT SUPERVISOR CONTACT**

(a) "One hour of direct supervisor contact" means any of the following:

(1) Individual supervision, defined as one hour of face-to-face contact between one supervisor and one supervisee

(2) Triadic supervision, defined as one hour of face-to-face contact between one supervisor and two supervisees

(3) Group supervision, defined as two hours of face-to-face contact between one supervisor and no more than eight supervisees.

(b) Except for experience gained by attending workshops, seminars, training sessions or conferences as described in paragraph (3) of subdivision (a) of section 4996.23, supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. An associate **gaining experience** shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting.

(d) Direct supervisor contact shall occur within the same week as the hours claimed.

(e) Of the 104 weeks of required supervision, 52 weeks shall be individual **or triadic** supervision.

(f) Of the 52 weeks of required individual **or triadic** supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(g) Group supervision shall be provided in a group of not more than eight supervisees and in segments lasting no less than one continuous hour. **The supervisor shall ensure that the amount and degree of supervision is appropriate to each supervisee's needs.**

(h) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for

ensuring that client confidentiality is preserved compliance with state and federal laws relating to confidentiality of patient health information.

(i) Notwithstanding any other provision of law, associates and applicants for examination who have finished gaining experience hours toward licensure shall receive a minimum of one hour of supervision direct supervisor contact per week for each setting in which he or she is working face to face psychotherapy is performed. Once experience hours are gained, further supervision is not required for nonclinical practice as defined in section 4996.23(a)(3).

#### **§4996.24. SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS**

~~(a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.~~

~~(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.~~

~~(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.~~

**§4996.24.1. ASSOCIATE CLINICAL SOCIAL WORKER; ACCEPTABLE WORK SETTINGS AND ACCEPTABLE PRACTICES**

(a) Associates shall perform services only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained as an independent contractor.

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

(2) If volunteering, the associate shall provide the board with a letter from his or her employer verifying the associate's employment as a volunteer upon application for licensure.

(b) Employment in a private practice shall not commence until the applicant has been registered as an associate clinical social worker.

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

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

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

(d) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration.

(e) Experience may be gained by the associate solely as part of the position for which the associate volunteers or is employed.

(f) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) An associate or applicant shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(h) Associates and applicants who provide voluntary services or other services, and

who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by the associate or applicant for services rendered in any lawful work setting other than a private practice, shall be considered an employee and not an independent contractor.

#### **4996.24.2. ASSOCIATE CLINICAL SOCIAL WORKER; SUPERVISION AND EMPLOYMENT SETTINGS**

(a) Associates and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and their supervisor, and in compliance with the statutes and regulations pertaining to supervision.

(b) Except for periods of time during a supervisor's vacation or sick leave, an associate who is employed or volunteering in private practice shall be under the direct supervision of a supervisor who is either employed by and practices at the same site as the associate's employer, or is an owner or shareholder of the private practice.

(c) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.

(d) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations. In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

(e) In a setting which is not a private practice, a written agreement, as specified in regulation, must be executed between the associate's or applicant's supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(f) In any setting that is not a private practice, a supervisor shall evaluate the site where an associate will be gaining hours of experience toward licensure and shall determine that:

(1) The site provides experience which is within the scope of practice of a clinical social worker.

(2) The experience is in compliance with the requirements set forth in this chapter and in regulation.

(g) Alternative supervision for an associate or applicant may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in this chapter and in regulation.

#### **§1869. SUPERVISION: REQUIRED DOCUMENTATION**

(a) Pursuant to Section 4996.24.2 of the Business and Professions Code, in a setting which is not a private practice, a written agreement must be executed prior to commencement of supervision when the supervisor is not employed by the associate's or applicant's employer or is a volunteer. This agreement must contain an agreement by the supervisor to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

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

(2) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee.

(b) Prior to the commencement of any counseling or supervision, a supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522), hereby incorporated by reference.

~~(c) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board~~

~~as defined in Section 1874~~ A supervisor who assumes responsibility for providing supervision shall collaborate with the supervisee to develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan." This supervisory plan shall be completed by each supervisor providing supervision, and the original signed plan shall be submitted to the supervisee within 60 days of commencing supervision, (form no. 1800-37A-521, revised 3/10), hereby incorporated by reference. This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.

(d) The associate shall maintain a log of all hours of experience gained toward licensure. The log shall be signed by the supervisor on a weekly basis. An associate shall retain all logs until such time as the associate is licensed by the board. The board shall have the right to require an associate to submit all or such portions of the log as it deems necessary to verify hours of experience.

#### **§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS**

~~Any person supervising an associate clinical social worker registered with the board (hereinafter called "supervisor") within California shall comply with the requirements set forth below.~~

~~(a)~~ Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522), hereby incorporated by reference, which requires that:

~~(1a)~~ The supervisor possesses and ~~will~~ maintains a current valid and active California license as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in Section ~~1874~~ 4996.20 of the Code and has been so licensed in California or in any other state for a total of at least two (2) of the past five (5) years immediately prior to commencing any supervision.

~~(2)~~ ~~The supervisor has been so licensed in California or in any other state for a total of at least two (2) years prior to commencing any supervision.~~

(b) A supervisor who is not licensed as a clinical social worker shall have sufficient experience, training and education in clinical social work to competently practice clinical social work in California.

(c) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep himself or herself informed of developments in clinical social work and in California law governing the practice of clinical social work.

~~(3d)~~ The supervisor has and ~~will~~ maintains a current and active California license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

~~(4e)~~ The supervisor has practiced psychotherapy or provided direct clinical supervision of associates, or marriage and family therapist interns or trainees, or professional clinical counselor interns who perform psychotherapy for at least two (2) years within the ~~last~~ five (5) years period immediately preceding supervision. Supervision of social work students enrolled in an accredited master's or doctoral program who perform psychotherapy, or LPCC trainees who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

~~(5f)~~ The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in Section 1871.

~~(A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:~~

~~(i) Familiarity with supervision literature through reading assignments specified by course instructors;~~

~~(ii) Facilitation of therapist-client and supervisor-therapist relationships;~~

~~(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;~~

~~(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem-solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~



~~(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~

~~(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

~~(6g)~~ The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

~~(7h)~~ The supervisor shall ~~do all of the following:~~

~~(A) Ensure~~ ensure that the extent, kind and quality of clinical social work performed by the associate or applicant is consistent with the education, training and experience of the person being supervised.

~~(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.~~

~~(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.~~

~~(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.~~

(i) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the supervisee by review of progress notes, process notes, and other treatment records, and also by that amount of direct observation, or review of audio or video of therapy, as deemed appropriate by the supervisor.

(j) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

~~(8) The supervisor and the associate shall develop the “Supervisory Plan” as described in Section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.~~

(k) The supervisor shall establish and communicate to the associate or applicant procedures for contacting the supervisor, or, in the supervisor’s absence, alternative on-call supervisors to assist in handling crises and emergencies.

~~(9)~~ The supervisor shall provide the associate with the original, signed “Responsibility Statement for Supervisors of an Associate Clinical Social Worker” (revised 3/10, form #1800 37A-522), prior to commencement of any counseling or supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.

~~(10m)~~ A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

~~(11)~~ The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(n) The supervisor shall obtain from each associate or applicant for whom supervision will be provided, the name, address, and telephone number of the associate's or applicant's most recent supervisor and employer.

~~(12o)~~ Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

~~(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(4)(A).~~

Note: Authority cited: Section 4980.60 and 4990.20, Business and Professions Code.  
Reference: Sections 4980.54, 4996.22 and 4996.23, Business and Professions Code.

### **§1870.1. SUPERVISORY PLAN**

~~(a) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874 who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the “Supervisory Plan”, (form no. 1800 37A-521, revised 3/10), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to~~

~~the board upon application for licensure.~~

~~Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18 and 4996.23, Business and Professions Code.~~

### **§1870.5. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA**

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

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

### **§1871 SUPERVISOR TRAINING AND COURSEWORK**

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

(a) Beginning January 1, 2019, supervisors who commence supervision for the first time shall obtain fifteen (15) contact hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in regulation. If taken from a continuing education provider specified as acceptable by the Board in regulation, training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

(1) The content of such training shall include, but not be limited to, current best practices and current standards regarding the following:

- (A) Competencies necessary for new supervisors;
- (B) Goal setting and evaluation;
- (C) The supervisor-supervisee relationship;
- (D) California law and ethics, including legal and ethical issues related to supervision;
- (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;

- (F) Contextual variables, such as treatment modality, work settings, and use of technology;
- (G) Supervision theories and literature; and
- (H) Documentation and record keeping of the supervisee's client files, as well as supervision.

(2) If taken from a government agency or a continuing education provider, this course shall have been taken within 2 years prior to commencing supervision, or within 60 days after commencing supervision. If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within 4 years prior to commencing supervision, or completed within 60 days after commencing supervision.

(b) A six (6) hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least 2 years within the 5 year period immediately preceding any supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision in each renewal period while providing supervision. This shall consist of one or more of the following activities:

- 1) Training or coursework directly covering the topic of supervision, obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation. If taken from a continuing education provider specified as acceptable by the board in regulation, it may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code;
- 2) Teaching a supervision course as specified in subparagraph (1).
- 3) Authoring research pertaining to supervision that has been published professionally.
- 4) Receiving documented mentoring of supervision or supervision of supervision from another board licensee who also qualifies as a supervisor.
- 5) Documented attendance at supervisor peer discussion groups.

(d)(1) In lieu of subparagraphs (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)

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

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

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

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

#### **§1872. DOCUMENTATION OF SUPERVISOR QUALIFICATIONS: AUDITS**

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications. Supervisors shall maintain records of completion of the required supervisor qualifications for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

#### **§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS**

For purposes of Section 4996.23 (a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license as a psychologist, marriage and family therapist, licensed professional clinical counselor or physician certified in psychiatry by the American Board of Psychiatry and Neurology.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.23, Business and Professions Code.

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**ATTACHMENT B**

**LCSW EXISTING LAW FOR REFERENCE**

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

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

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

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

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

(3) Commencing January 1, 2014, have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers, including instruction in all of the following areas of study:

(A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and his or her professional behavior and ethics.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be

responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(g) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

(h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.

(i) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

### **§4996.23. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 2002**

(a) To qualify for licensure as specified in Section 4996.2, each applicant shall complete 3,200 hours of post-master's degree supervised experience related to the practice of clinical social work. The experience shall comply with the following:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board.

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling.

(3) A maximum of 1,200 hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.



(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.

(5) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.

(6) Experience shall not be credited for more than 40 hours in any week.

(b) An individual who submits an application for examination eligibility between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements that were in place on January 1, 2015.

(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.

(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.

(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.

(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).

(5) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.

(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The

associate shall submit to the board the initial original supervisory plan upon application for licensure.

(f) Experience shall only be gained in a setting that meets both of the following:

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

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

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(j) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(k) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

(l) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.

(m) An associate shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(n) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(o) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

#### **§4996.24. SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS**

(a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.

(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.

(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

### **§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS**

Any person supervising an associate clinical social worker registered with the board (hereinafter called "supervisor") within California shall comply with the requirements set forth below.

(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522), hereby incorporated by reference, which requires that:

- (1) The supervisor possesses and will maintain a current valid California license as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in Section 1874.
- (2) The supervisor has been so licensed in California or in any other state for a total of at least two (2) years prior to commencing any supervision.
- (3) The supervisor has and will maintain a current license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to supervise.
- (4) The supervisor has practiced psychotherapy or provided direct supervision of associates, or marriage and family therapist interns or trainees who perform psychotherapy for at least two (2) years within the last five (5) years immediately preceding supervision.
- (5) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates.
  - (A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections

4980.54, 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:

(i) Familiarity with supervision literature through reading assignments specified by course instructors;

(ii) Facilitation of therapist-client and supervisor-therapist relationships;

(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;

(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.

(6) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

(7) The supervisor shall do all of the following:

(A) Ensure that the extent, kind and quality of clinical social work performed by the associate is consistent with the training and experience of the person being supervised.

(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.

(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.

(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.

(8) The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.

(9) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.

(10) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to sign for any further hours of experience for such person. A

supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(12) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(4)(A).

Note: Authority cited: Section 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4996.22 and 4996.23, Business and Professions Code.

### **§1870.1. SUPERVISORY PLAN**

(a) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874 who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800 37A-521, revised 3/10), hereby incorporated by reference.

(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18 and 4996.23, Business and Professions Code.

### **§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS**

For purposes of Section 4996.23 (a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license as a psychologist, marriage and family therapist, licensed professional clinical counselor or physician certified in psychiatry by the American Board of Psychiatry and Neurology.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.23, Business and Professions Code.

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