



Board of Behavioral Sciences



1625 North Market Blvd., Suite S-200, Sacramento, CA 95834  
(916) 574-7830 | TDD (916) 322-1700 | Fax (916) 574-8625  
www.bbs.ca.gov

Governor Edmund G. Brown Jr.  
State of California  
State and Consumer Services Agency  
Department of Consumer Affairs

## **POLICY AND ADVOCACY COMMITTEE MEETING NOTICE AND AGENDA**

**FEBRUARY 9, 2018  
8:30 a.m.**

Department of Consumer Affairs  
Hearing Room  
1625 North Market Blvd., #S-102  
Sacramento, CA 95834

*While the Board intends to webcast this meeting, it may not be possible to webcast the entire meeting due to technical difficulties or limitations on resources. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location.*

- I. Call to Order and Establishment of Quorum
- II. Introductions\*
- III. Discussion and Possible Action Regarding Revisions to Assembly Bill 93 (Medina) Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision
- IV. Discussion and Possible Action Regarding Required Degree Program Content for Licensed Professional Clinical Counselors – Assessment and Diagnosis
- V. Discussion and Possible Action Regarding Core Content Requirements (Semester and Quarter Units) for Licensed Professional Clinical Counselors
- VI. Discussion and Possible Action Regarding the 6-Year Limit on Experience Hours and Associate Registrations
- VII. Discussion and Possible Action Regarding Continuing Education Requirements: Title 16, California Code of Regulations: Amend Sections 1807, 1807.2, 1810, 1810.1, 1810.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.5, 1887.11.0 and 1887.12; Delete Sections 1887.4, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11 and 1887.15
- VIII. Review and Discussion of Board Survey Results Regarding Trainees Paying for Supervision and/or Practicum

(Continued on Reverse)

IX. Status on Board-Sponsored Legislation

- a. Licensing Process Bill: Proposed Revisions to Business and Professions Code Sections 4980.72, 4984.01, 4996.17, 4996.28, 4999.60, 4999.100
- b. Omnibus Bill – Proposed Technical and Non-Substantive Amendments to Business and Professions Code Sections 27, 650.4, 865, 2290.5, 4980.37, 4980.39, 4980.41, 4980.72, 4980.78, 4980.79, 4990.30, 4992, 4996.17, 4999.14, 4999.22, 4999.32, 4999.48, 4999.60, 4999.62, 4999.63, 4999.100, and Family Code Section 6924
- c. AB 93 (Medina): Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision

X. Status of Board Rulemaking Proposals

- a. Enforcement Process: Amend Title 16, California Code of Regulations Sections 1823, 1845, 1858, 1881, 1886.40, 1888 and Uniform Standards Related to Substance Abuse and Disciplinary Guidelines
- b. Application Processing Times and Registrant Advertising: Amend Title 16, California Code of Regulations, Sections 1805.1 and 1811
- c. Contact Information; Application Requirements; Incapacitated Supervisors: Amend Title 16, California Code of Regulations, Sections 1804, 1805 and 1820.7; Add Section 1815.8

XI. Suggestions for Future Agenda Items

XII. Public Comment for Items Not on the Agenda

*Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code Sections 11125, 1125.7(a))*

XIII. Adjournment

---

*\*Introductions are voluntary for members of the public.*

*Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times and order of items are approximate and subject to change. Action may be taken on any item listed on the Agenda.*

*This agenda as well as Board meeting minutes can be found on the Board of Behavioral Sciences website at [www.bbs.ca.gov](http://www.bbs.ca.gov).*

*NOTICE: The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*



- 1. Phase-Out of the 90-Day Rule for LMFT and LPCC Applicants:** The “90-day rule” is a provision currently in the Board’s law that allows applicants for registration as an AMFT or an APCC to count supervised experience hours gained in between the degree award date and the date the Board issues the registration, if the applicant applies for the registration within 90 days of the date the qualifying degree was granted.

At its last meeting, the Policy and Advocacy Committee discussed the 90-day rule at length. It voted to remove the 90-day rule, with a two-year phase-out period.

Under the proposal shown in **Attachment A**, only applicants completing graduate study prior to January 1, 2021 would be able to utilize the 90-day rule.

This proposed amendment can be found in BPC §4980.43(a) and (b) for LMFT applicants, and BPC §4999.46(a) and (b) for LPCC applicants. (LCSW applicants do not have the 90-day rule.)

- 2. Amendments to Law for Corporations and Private Practice:** The Business & Professions Committee requested changes to the sections of law discussing corporations and private practice, citing concerns about clarity because an entity that is a corporation may also be a private practice.

The Board is currently working on a concise definition of the term “private practice” in its Exempt Setting Committee. However, the work of the Exempt Setting Committee is not complete, and its recommendations will be introduced in future legislation. In the meantime, the amendments in this draft of AB 93 seek to better delineate the requirements for private practices versus entities that are incorporated. One major change is the elimination of the cap on the number of supervisees a corporation may retain (currently set at 15 supervisees). The ratio of three supervisees allowed per supervisor remains for both private practices and corporations.

This proposed amendment can be found in BPC §4980.45.5 (LMFT applicants), BPC §4996.23.3 (LCSW applicants), and BPC §4999.46.4 (LPCC applicants).

### **CAMFT Proposed Alternative: 90-Day Rule**

The California Association of Marriage and Family Therapists (CAMFT) has also been working with the Senate Business and Professions Committee, and has proposed alternative to phasing out the 90-day rule, which they believe will maintain public protection. This alternative proposal also has the support of the Business and Professions Committee.

Under CAMFT’s proposal, counting experience hours under the 90-day rule could continue if the applicant’s worksite requires Live Scan fingerprinting prior to any direct service or client experience being gained.

**Attachment B** shows CAMFT’s proposed language. A representative from CAMFT is here today to discuss their proposal in further detail. A letter from the American Association for Marriage and Family Therapists – California Division (AAMFT-CA) expresses support for this alternative as well (see **Attachment C**).

## **Recommendation**

Conduct an open discussion of the proposed draft of AB 93 shown in **Attachment A**, as well as the alternative 90-day rule proposal shown in **Attachment B**. Direct staff to make any discussed changes, and any nonsubstantive changes, and submit to the Board for consideration.

## **Attachments**

**Attachment A:** AB 93 – Draft Proposed Language

**Attachment B:** CAMFT's Proposed Alternative Language for the 90-Day Rule

**Attachment C:** AAMFT-CA Letter Regarding AB 93 Proposed Amendments

***Blank Page***

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 93

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 93**

**Introduced by Assembly Member Medina**

January 9, 2017



An act to amend Sections 728, 2290.5, 4980.01, 4980.03, 4980.35, 4980.397, 4980.399, 4980.40, 4980.42, 4980.43, 4980.44, 4980.50, 4980.78, 4980.79, 4982, 4982.15, 4984.01, 4984.7, 4992.05, 4992.09, 4992.3, 4996.17, 4996.18, 4996.23, 4999.12, 4999.36, 4999.42, 4999.46, 4999.50, 4999.51, 4999.52, 4999.55, 4999.62, 4999.63, and 4999.90 of, to amend and renumber Section 4980.45 of, to add Sections 4980.43.1, ~~4980.43.2~~, 4980.43.3, 4980.43.4, 4980.43.6, 4996.20, 4996.21, 4996.23.1, 4996.23.2, 4996.23.3, 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4, and 4999.46.5 to, and to repeal Sections 4996.24, 4999.34, 4999.44, 4999.45, 4999.455, and 4999.47 of, the Business and Professions Code, and to amend Section 124260 of the Health and Safety Code, relating to healing arts.

**Amendment 1**

**Amendment 2**

LEGISLATIVE COUNSEL'S DIGEST

AB 93, as amended, Medina. Healing arts: marriage and family therapists: clinical social workers: professional clinical counselors: required experience and supervision.

Existing law provides for the licensure and regulation of marriage and family therapists, clinical social workers, and professional clinical counselors by the Board of Behavioral Sciences, which is within the Department of Consumer Affairs. Existing law requires trainees, interns, and applicants for licensure in those professions to comply with specified

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 2 —**

educational and experience requirements, including, but not limited to, hours of supervised experience, and sets forth terms, conditions, and limitations for those hours of experience, including required supervision, as specified. Existing law also requires individuals seeking licensure in those professions to register with the board in order to gain experience hours. Under existing law, a violation of any of the requirements of the licensing acts for marriage and family therapists, clinical social workers, and professional clinical counselors is punishable as a misdemeanor.

This bill would revise and recast those supervised experience requirements, as specified. The bill would place new requirements on supervisors of trainees, associates, and applicants for licensure and place new requirements on trainees, associates, and applicants for licensure who are under supervision, as specified. The bill would make conforming changes. By placing new requirements on trainees, associates, applicants for licensure, and their supervisors, a violation of which would be a crime, this bill would impose a state-mandated local program.

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

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

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

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

Page 2 1 SECTION 1. Section 728 of the Business and Professions Code  
2 is amended to read:  
3 728. (a) Any psychotherapist or employer of a psychotherapist  
4 who becomes aware through a patient that the patient had alleged  
5 sexual intercourse or alleged sexual contact with a previous  
6 psychotherapist during the course of a prior treatment shall provide  
7 to the patient a brochure promulgated by the department that  
8 delineates the rights of, and remedies for, patients who have been  
9 involved sexually with their psychotherapists. Further, the  
10 psychotherapist or employer shall discuss with the patient the  
11 brochure prepared by the department.  
12 (b) Failure to comply with this section constitutes unprofessional  
13 conduct.

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

Page 2 14 (c) For the purpose of this section, the following definitions  
15 apply:

Page 3 1 (1) "Psychotherapist" means a physician and surgeon  
2 specializing in the practice of psychiatry or practicing  
3 psychotherapy, a ~~psychologist~~, *psychologist licensed pursuant to*  
+ *Chapter 6.6 (commencing with Section 2900)*, a clinical social  
4 worker, a marriage and family therapist, a licensed professional  
5 clinical counselor, a psychological assistant, an associate marriage  
6 and family therapist or marriage and family therapist trainee, an  
7 associate professional clinical counselor or professional clinical  
8 counselor trainee, as specified in Chapter 16 (commencing with  
9 Section 4999.10), or an associate clinical social worker.

Amendment 3

11 (2) "Sexual contact" means the touching of an intimate part of  
12 another person.

13 (3) "Intimate part" and "touching" have the same ~~meaning~~  
14 *meanings* as defined in subdivisions (g) and (e), respectively, of  
15 Section 243.4 of the Penal Code.

Amendment 4

16 (4) "The course of a prior treatment" means the period of time  
17 during which a patient first commences treatment for services that  
18 a psychotherapist is authorized to provide under his or her scope  
19 of practice, or that the psychotherapist represents to the patient as  
20 being within his or her scope of practice, until the  
21 psychotherapist-patient relationship is terminated.

+ *SEC. 2. Section 2290.5 of the Business and Professions Code*  
+ *is amended to read:*

Amendment 5

+ 2290.5. (a) For purposes of this division, the following  
+ definitions shall apply:

+ (1) "Asynchronous store and forward" means the transmission  
+ of a patient's medical information from an originating site to the  
+ health care provider at a distant site without the presence of the  
+ patient.

+ (2) "Distant site" means a site where a health care provider who  
+ provides health care services is located while providing these  
+ services via a telecommunications system.

+ (3) "Health care provider" means either of the following:

+ (A) A person who is licensed under this division.

+ (B) A marriage and family therapist intern or trainee functioning  
+ pursuant to Section ~~4980.43~~. *4980.43.4*.

+ (4) "Originating site" means a site where a patient is located at  
+ the time health care services are provided via a telecommunications

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 4 —**

- + system or where the asynchronous store and forward service originates.
- + (5) “Synchronous interaction” means a real-time interaction between a patient and a health care provider located at a distant site.
- + (6) “Telehealth” means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care while the patient is at the originating site and the health care provider is at a distant site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.
- + (b) Prior to the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.
- + (c) Nothing in this section shall preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.
- + (d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.
- + (e) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.
- + (f) All laws regarding the confidentiality of health care information and a patient’s rights to his or her medical information shall apply to telehealth interactions.
- + (g) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.
- + (h) (1) Notwithstanding any other provision of law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

+ to, and verify and approve credentials for, providers of telehealth  
+ services based on its medical staff recommendations that rely on  
+ information provided by the distant-site hospital or telehealth  
+ entity, as described in Sections 482.12, 482.22, and 485.616 of  
+ Title 42 of the Code of Federal Regulations.

+ (2) By enacting this subdivision, it is the intent of the Legislature  
+ to authorize a hospital to grant privileges to, and verify and approve  
+ credentials for, providers of telehealth services as described in  
+ paragraph (1).

+ (3) For the purposes of this subdivision, “telehealth” shall  
+ include “telemedicine” as the term is referenced in Sections 482.12,  
+ 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

Page 3 23 ~~SEC. 2.~~

+ ~~SEC. 3.~~ Section 4980.01 of the Business and Professions Code  
24 is amended to read:

25 4980.01. (a) ~~Nothing in this~~ This chapter shall *not* be construed  
26 to constrict, limit, or withdraw the Medical Practice Act, the Social  
27 Work Licensing Law, the Nursing Practice Act, the Licensed  
28 Professional Clinical Counselor Act, or the Psychology Licensing  
29 Act.

30 (b) This chapter shall not apply to any priest, rabbi, or minister  
31 of the gospel of any religious denomination when performing  
32 counseling services as part of his or her pastoral or professional  
33 duties, or to any person who is admitted to practice law in the state,  
34 or who is licensed to practice medicine, when providing counseling  
35 services as part of his or her professional practice.

36 (c) (1) This chapter shall not apply to an employee working in  
37 any of the following settings if his or her work is performed solely  
38 under the supervision of the employer:

- 39 (A) A governmental entity.
- 40 (B) A school, college, or university.
- 1 (C) An institution that is both nonprofit and charitable.

Page 4 2 (2) This chapter shall not apply to a volunteer working in any  
3 of the settings described in paragraph (1) if his or her work is  
4 performed solely under the supervision of the entity, school, or  
5 institution.

6 (d) A marriage and family therapist licensed under this chapter  
7 is a licentiate for purposes of paragraph (2) of subdivision (a) of  
8 Section 805, and thus is a health care practitioner subject to the

**Amendment 6**

**Amendments 7 & 8**

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 6 —

Page 4 9 provisions of Section 2290.5 pursuant to subdivision (b) of that  
10 section.

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

15 ~~SEC. 3.~~

+ 16 SEC. 4. Section 4980.03 of the Business and Professions Code  
is amended to read:

17 4980.03. (a) "Board," as used in this chapter, means the Board  
18 of Behavioral Sciences.

19 (b) "Associate," as used in this chapter, means an unlicensed  
20 person who has earned his or her master's or doctoral degree  
21 qualifying him or her for licensure and ~~meets one of the following:~~

+ 22 *is registered with the board as an associate.*

23 ~~(1) The individual is registered with the board as an associate.~~

24 ~~(2) The individual's degree was awarded and the board receives  
25 his or her application for registration as an associate with the board  
within 90 days of the degree award date.~~

26 (c) "Trainee," as used in this chapter, means an unlicensed  
27 person who is currently enrolled in a master's or doctoral degree  
28 program, as specified in Sections 4980.36 and 4980.37, that is  
29 designed to qualify him or her for licensure under this chapter, and  
30 who has completed no less than 12 semester units or 18 quarter  
31 units of coursework in any qualifying degree program.

32 (d) "Applicant for licensure," as used in this chapter, means an  
33 unlicensed person who has completed the required education and  
34 required hours of supervised experience for ~~licensure as specified  
35 in this chapter.~~ *licensure.*

36 (e) "Advertise," as used in this chapter, includes, but is not  
37 limited to, any public communication, as defined in subdivision  
38 (a) of Section 651, the issuance of any card, sign, or device to any  
39 person, or the causing, permitting, or allowing of any sign or  
40 marking on, or in, any building or structure, or in any newspaper  
or magazine or in any directory, or any printed matter whatsoever,  
with or without any limiting qualification. Signs within religious  
buildings or notices in church bulletins mailed to a congregation  
shall not be construed as advertising within the meaning of this  
chapter.

6 (f) "Experience," as used in this chapter, means experience in  
7 interpersonal relationships, psychotherapy, marriage and family

Amendment 9

Amendment 10

Amendment 11

Amendment 12

Page 5 1 or magazine or in any directory, or any printed matter whatsoever,  
2 with or without any limiting qualification. Signs within religious  
3 buildings or notices in church bulletins mailed to a congregation  
4 shall not be construed as advertising within the meaning of this  
5 chapter.

Page 5 8 therapy, direct clinical counseling, and nonclinical practice that  
9 satisfies the requirements for licensure as a marriage and family  
10 therapist pursuant to ~~Section 4980.40~~. *therapist*.

Amendment 13

11 (g) "Supervisor," as used in this chapter, means an individual  
12 who meets all of the following requirements:

Amendment 14

13 ~~(1) Has been actively licensed in this state or has held an active~~  
14 ~~equivalent license in any other state as a licensed professional~~  
15 ~~clinical counselor, licensed marriage and family therapist, licensed~~  
16 ~~clinical psychologist, licensed clinical social worker, or licensed~~  
17 ~~physician and surgeon who is certified in psychiatry by the~~  
18 ~~American Board of Psychiatry and Neurology, for at least two~~  
19 ~~years of the past five years immediately prior to commencing any~~  
20 ~~supervision. held an active license for at least two years within~~  
+ ~~the five year period immediately preceding any supervision as~~  
+ ~~either:~~

+ (A) *A licensed professional clinical counselor, licensed marriage*  
+ *and family therapist, psychologist licensed pursuant to Chapter*  
+ *6.6 (commencing with Section 2900), licensed clinical social*  
+ *worker, or equivalent out-of-state license.*

+ (B) *A physician and surgeon who is certified in psychiatry by*  
+ *the American Board of Psychiatry and Neurology or an out-of-state*  
+ *licensed physician and surgeon who is certified in psychiatry by*  
+ *the American Board of Psychiatry and Neurology.*

21 (2) If the supervisor is a licensed professional clinical counselor,  
22 he or she ~~meets~~ *has completed* the additional training and education  
23 requirements specified in subparagraphs (A) to (C), inclusive, of  
24 paragraph (3) of subdivision (a) of Section 4999.20.

Amendment 15

25 (3) ~~Has~~ *For at least two years within the five-year period*  
+ *immediately preceding any supervision, has either practiced*  
26 *psychotherapy or provided direct clinical supervision of*  
+ *psychotherapy performed by marriage and family therapist trainees,*  
27 *associate marriage and family therapists, associate professional*  
28 *clinical counselors, or associate clinical social workers, who*  
29 *perform psychotherapy, for at least two years within the five-year*  
30 *period immediately preceding any supervision. workers.*

Amendment 16

Amendment 17

31 ~~Supervision of social work students enrolled in an accredited~~  
+ ~~master's or doctoral program or psychotherapy performed by a~~  
32 ~~social work intern or a professional clinical counselor trainees,~~  
33 ~~who perform psychotherapy, trainee shall be accepted toward the~~

Amendment 18

Amendment 19

Amendment 20

Amendment 21

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 8 —**

Page 5 34 ~~required two years~~ if the supervision provided to the students is  
35 substantially equivalent to the supervision required for registrants.  
36 (4) Has received ~~professional~~ training in supervision as specified  
37 in this chapter and by regulation.  
38 (5) Has not provided therapeutic services to the supervisee.  
39 (6) Has and maintains a current and active ~~California~~ license  
40 that is not under suspension or ~~probation~~. *probation as one of the*  
+ *following:*

Page 6 1 ~~(7) Complies with supervision requirements established by this~~  
2 ~~chapter and by board regulations.~~  
+ (A) *A marriage and family therapist, professional clinical*  
+ *counselor, or clinical social worker, issued by the board.*  
+ (B) *A psychologist licensed pursuant to Chapter 6.6*  
+ *(commencing with Section 2900).*  
+ (C) *A physician and surgeon who is certified in psychiatry by*  
+ *the American Board of Psychiatry and Neurology.*  
+ (7) *Is not a spouse, domestic partner, or relative of the*  
+ *supervisee.*  
+ (8) *Does not currently have or previously had a personal,*  
+ *professional, or business relationship with the supervisee that*  
+ *undermines the authority or effectiveness of the supervision.*  
3 (h) "Client centered advocacy," as used in this chapter, includes,  
4 but is not limited to, researching, identifying, and accessing  
5 resources, or other activities, related to obtaining or providing  
6 services and supports for clients or groups of clients receiving  
7 psychotherapy or counseling services.  
9 ~~SEC. 4.~~  
+ SEC. 5. Section 4980.35 of the Business and Professions Code  
10 is amended to read:  
11 4980.35. (a) The Legislature acknowledges that the basic  
12 obligation to provide a complete and accurate application for a  
13 marriage and family therapist license lies with the applicant. At  
14 the same time, the Legislature recognizes that an effort should be  
15 made by the board to ensure that persons who enter degree  
16 programs and supervisorial training settings that meet the  
17 requirements of this chapter are enabled to discern the requirements  
18 for licensing and to take the examination when they have completed  
19 their educational and experience requirements.  
20 (b) In order that the board, the educational institutions, and the  
21 supervisors who monitor the education and experience of applicants

**Amendment 22**

**Amendment 23**

**Amendment 24**

**Amendment 25**

**Amendment 26**

**Amendment 27**

Page 6 22 may develop greater cooperation, the board shall do all of the  
23 following:

24 (1) Apply a portion of its limited resources specifically to the  
25 task of communicating information about its activities, the  
26 requirements and qualifications for licensure, and the practice of  
27 marriage and family therapy to the relevant educational institutions,  
28 supervisors, professional associations, applicants, trainees,  
29 associates, and the consuming public.

30 (2) Develop policies and procedures to assist educational  
31 institutions in meeting the curricula requirements of Sections  
32 4980.36 and 4980.37 and any regulations adopted pursuant to those  
33 sections, so that those educational institutions may better provide  
34 assurance to their students that the curriculum offered to fulfill the  
35 educational requirements for licensure will meet those requirements  
36 at the time of the student's application for licensure.

37 (3) Notify applicants in the application procedure when  
38 applications are incomplete, inaccurate, or deficient, and inform  
39 applicants of any remediation, reconsideration, or appeal  
40 procedures that may be applicable.

Page 7 1 (4) Undertake, or cause to be undertaken, further comprehensive  
2 review, in consultation with educational institutions, professional  
3 associations, supervisors, associates, and trainees, of the  
4 supervision of associates and trainees, which shall include, but not  
5 be limited to, the following, and shall propose regulations regarding  
6 the supervision of associates and trainees that may include, but  
7 not be limited to, the following:

8 (A) Supervisor qualifications.

9 (B) Continuing education requirements of supervisors.

10 (C) Registration or licensing of supervisors, or both.

11 (D) Responsibilities of supervisors in general.

12 (E) The board's authority in cases of noncompliance or  
13 negligence by supervisors.

14 (F) The associate's and trainee's need for guidance in selecting  
15 well-balanced and ~~high-quality~~ *high-quality* professional training  
16 opportunities within his or her community.

17 (G) The role of the supervisor in advising and encouraging his  
18 or her associate or trainee regarding the necessity or value and  
19 appropriateness of the associate or trainee engaging in personal  
20 psychotherapy, so as to enable the associate or trainee to become  
21 a more competent marriage and family therapist.

| Amendment 28

**PROPOSED AMENDMENTS**

**AB 93**

— 10 —

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE  
Amendment 29**

Page 7 23 ~~SEC. 5.~~  
 + SEC. 6. Section 4980.397 of the Business and Professions Code  
 24 is amended to read:  
 25 4980.397. (a) ~~Effective January 1, 2016, a~~ A registrant or an  
 26 applicant for licensure as a marriage and family therapist shall  
 27 pass the following two examinations as prescribed by the board:  
 28 (1) A California law and ethics examination.  
 29 (2) A clinical examination.  
 30 (b) Upon registration with the board, an associate marriage and  
 31 family therapist shall, within the first year of registration, take an  
 32 examination on California law and ethics.  
 33 (c) A registrant or an applicant for licensure may take the clinical  
 34 examination only upon meeting all of the following requirements:  
 36 (1) Completion of all required supervised work experience.  
 37 (2) Completion of all education requirements.  
 38 (3) Passage of the California law and ethics examination.  
 39 ~~(d) This section shall become operative on January 1, 2016.~~

**Amendment 30**

Page 8 1 ~~SEC. 6.~~  
 + SEC. 7. Section 4980.399 of the Business and Professions Code  
 2 is amended to read:  
 3 4980.399. (a) Except as provided in subdivision (a) of Section  
 4 4980.398, each applicant and registrant shall obtain a passing score  
 5 on a board-administered California law and ethics examination in  
 6 order to qualify for licensure.  
 7 (b) A registrant shall participate in a board-administered  
 8 California law and ethics examination prior to his or her registration  
 9 renewal.  
 10 ~~(c) Notwithstanding subdivision (b), an applicant who holds a~~  
 11 ~~registration eligible for renewal, with an expiration date no later~~  
 12 ~~than June 30, 2016, and who applies for renewal of that registration~~  
 13 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~  
 14 ~~allowed to renew the registration without first participating in the~~  
 15 ~~California law and ethics examination. These applicants shall~~  
 16 ~~participate in the California law and ethics examination in the next~~  
 17 ~~renewal cycle, and shall pass the examination prior to licensure or~~  
 18 ~~issuance of a subsequent registration number, as specified in this~~  
 19 ~~section.~~  
 20 ~~(d)~~  
 + (c) If an applicant fails the California law and ethics  
 21 examination, he or she may retake the examination, upon payment

**Amendment 31  
Amendment 32**

**Amendment 33**

Page 8 22 of the required fees, without further application except as provided  
 23 in subdivision (e). (d).  
 24 (e)  
 + (d) If a registrant fails to obtain a passing score on the California  
 25 law and ethics examination described in subdivision (a) within his  
 26 or her renewal period on or after the operative date of this section,  
 27 he or she shall complete, at a minimum, a 12-hour course in  
 28 California law and ethics in order to be eligible to participate in  
 29 the California law and ethics examination. Registrants shall only  
 30 take the 12-hour California law and ethics course once during a  
 31 renewal period. The 12-hour law and ethics course required by  
 32 this section shall be taken through a continuing education provider  
 33 as specified by the board by regulation, a county, state or  
 34 governmental entity, or a college or university.  
 35 (f)  
 36 (e) The board shall not issue a subsequent registration number  
 37 unless the applicant has passed the California law and ethics  
 + examination.  
 38 (g) Notwithstanding subdivision (f), an applicant who holds or  
 39 has held a registration, with an expiration date no later than January  
 40 1, 2017, and who applies for a subsequent registration number  
 Page 9 1 between January 1, 2016, and January 1, 2017, shall, if eligible,  
 2 be allowed to obtain the subsequent registration number without  
 3 first passing the California law and ethics examination. These  
 4 applicants shall pass the California law and ethics examination  
 5 during the next renewal period or prior to licensure, whichever  
 6 occurs first.  
 7 (h) This section shall become operative on January 1, 2016.  
 8 SEC. 7.  
 + SEC. 8. Section 4980.40 of the Business and Professions Code  
 9 is amended to read:  
 10 4980.40. To qualify for a license, an applicant shall have An  
 11 applicant for licensure shall satisfy all of the following  
 + qualifications:  
 12 (a) Meet the educational requirements of Section 4980.36 or  
 13 both Sections 4980.37 and 4980.41, as applicable.  
 14 (b) Be at least 18 years of age.  
 15 (c) Have at least two years of supervised experience that meet  
 16 the requirements of this chapter and those specified by the board

Amendment 34  
Amendment 35

Amendment 36

Amendment 37

Amendment 38

Amendment 39

Amendment 40

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 12 —**

Page 9 17 ~~in regulation. as specified in this chapter and its corresponding~~  
+ ~~regulations.~~

18 (d) ~~Effective January 1, 2016, successfully~~ **Successfully** pass a  
19 California law and ethics examination and a clinical examination.  
20 An applicant who has successfully passed a previously  
21 administered written examination may be subsequently required  
22 to take and pass another written examination.

23 (e) Not have committed acts or crimes constituting grounds for  
24 denial of licensure under Section 480. The board shall not issue a  
25 registration or license to any person who has been convicted of a  
26 crime in this or another state or in a territory of the United States  
27 that involves sexual abuse of children or who is required to register  
28 pursuant to Section 290 of the Penal Code or the equivalent in  
29 another state or territory.

30 ~~(f) This section shall become operative on January 1, 2016.~~

31 ~~SEC. 8.~~

+ **SEC. 9.** Section 4980.42 of the Business and Professions Code  
32 is amended to read:

33 4980.42. (a) Trainees performing services in any work setting  
34 specified in Section 4980.43.4 may perform those activities and  
35 services as a trainee, provided that the activities and services  
36 constitute part of the trainee’s supervised course of study and that  
37 the person is designated by the title “trainee.”

39 (b) Trainees subject to Section 4980.37 may gain hours of  
40 experience and counsel clients outside of the required practicum.  
Page 10 1 This subdivision shall apply to hours of experience gained and  
2 client counseling provided on and after January 1, 2012.

3 (c) Trainees subject to Section 4980.36 may gain hours of  
4 experience outside of the required practicum but must be enrolled  
5 in a practicum course to counsel clients. Trainees subject to Section  
6 4980.36 may counsel clients while not enrolled in a practicum  
7 course if the period of lapsed enrollment is less than 90 calendar  
8 days, and if that period is immediately preceded by enrollment in  
9 a practicum course and immediately followed by enrollment in a  
10 practicum course or completion of the degree program.

11 (d) All hours of experience gained pursuant to subdivisions (b)  
12 and (c) shall be subject to the other requirements of this chapter.

13 (e) All hours of experience gained as a trainee shall be  
14 coordinated between the school and the site where the hours are  
15 being accrued. The school shall approve each site and shall have

**Amendment 41**

**Amendment 42**

Page 10 16 a written agreement with each site that details each party's  
17 responsibilities, including the methods by which supervision shall  
18 be provided. The agreement shall provide for regular progress  
19 reports and evaluations of the student's performance at the site. If  
20 an applicant has gained hours of experience while enrolled in an  
21 institution other than the one that confers the qualifying degree, it  
22 shall be the applicant's responsibility to provide to the board  
23 satisfactory evidence that those hours of trainee experience were  
24 gained in compliance with this section.

26 SEC. 9. Section 4980.43 of the Business and Professions Code is  
27 amended to read:

28 4980.43. (a) To qualify for licensure as specified in Section  
29 4980.40, each applicant shall complete experience related to the  
30 practice of marriage and family therapy under a supervisor who  
31 meets the qualifications set forth in Section 4980.03. The  
32 experience shall comply with the following:

33 (1) A minimum of 3,000 hours of supervised experience  
34 completed during a period of at least 104 weeks:

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

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

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

+

Page 11 1 (5) A maximum of 750 hours of counseling and direct supervisor  
2 contact prior to the award date of the qualifying master's or  
3 doctoral degree.

4 (6) No hours of experience may be gained prior to completing  
5 either 12 semester units or 18 quarter units of graduate instruction.

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

12 (8) A minimum of 1,750 hours of direct clinical counseling with  
13 individuals, groups, couples, or families, that includes not less than  
14 500 total hours of experience in diagnosing and treating couples,  
15 families, and children.  
16

Amendment 43

PROPOSED AMENDMENTS

AB 93

- 14 -

RN 18 02639 08

01/16/18 04:00 PM

SUBSTANTIVE

Page 11 17 (9) A maximum of 1,250 hours of nonclinical practice,
18 consisting of direct supervisor contact, administering and
19 evaluating psychological tests, writing clinical reports, writing
20 progress or process notes, client centered advocacy, and workshops,
21 seminars, training sessions, or conferences directly related to
22 marriage and family therapy that have been approved by the
23 applicant's supervisor.

24 (10) It is anticipated and encouraged that hours of experience
25 will include working with elders and dependent adults who have
26 physical or mental limitations that restrict their ability to carry out
27 normal activities or protect their rights.

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

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

+ SEC. 10. Section 4980.43 of the Business and Professions Code
+ is amended to read:

+ 4980.43. (a) To qualify for licensure as specified in Section
+ 4980.40, each applicant shall complete experience related to the
+ practice of marriage and family therapy under a supervisor who
+ meets the qualifications set forth in Section 4980.03. The
+ experience shall Except as provided in subdivision (b), all
+ applicants shall have an active associate registration with the
+ board in order to gain postdegree hours of supervised experience.

+ (b) An applicant completing graduate study prior to January
+ 1, 2021, shall be credited with postdegree hours of experience
+ toward licensure if the applicant applies for the associate
+ registration and the board receives the application within 90 days
+ of the granting of the qualifying degree and the applicant is
+ thereafter granted associate registration by the board. The
+ applicant shall not be employed or volunteer in a private practice
+ until he or she has been issued an associate registration by the
+ board.

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

+ (1) A minimum of 3,000 hours of supervised experience
+ completed during a period of at least 104 weeks.

- + (2) A maximum of 40 hours in any seven consecutive days.
  - + (3) A minimum of 1,700 hours obtained after the qualifying master’s or doctoral degree was awarded.
  - + (4) A maximum of 1,300 hours obtained prior to the award date of the qualifying master’s or doctoral degree.
  - + (5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master’s or doctoral degree.
  - + (6) ~~No hours of experience may~~ *Hours of experience shall not* be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction.
  - + (7) ~~No hours of experience may be~~ *Hours of experience shall not have been* gained more than six years prior to the date the application for ~~examination eligibility was filed,~~ *licensure was received by the board,* except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.
  - + (8) A minimum of 1,750 hours of direct *clinical* counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.
  - + (9) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant’s supervisor.
  - + (10) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.
- This subdivision shall only apply to hours gained on and after January 1, 2010.
- + ~~(b)~~
  - + ~~(d)~~ An individual who submits an application for ~~examination eligibility~~ *licensure* between January 1, 2016, and December 31,

**PROPOSED AMENDMENTS**

AB 93

— 16 —

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE**

- + 2020, may alternatively qualify under the experience requirements
- + *of this section* that were in place on January 1, 2015.
- + ~~(e) All applicants, trainees, 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 marriage and family therapy. Supervised experience~~
- + ~~shall be gained by an intern or trainee 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. Associates and trainees shall not be~~
- + ~~employed as independent contractors, and shall not gain experience~~
- + ~~for work performed as an independent contractor, reported on an~~
- + ~~IRS Form 1099, or both.~~
- + ~~(1) If employed, an intern 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, an intern shall provide the board with a letter~~
- + ~~from his or her employer verifying the intern’s employment as a~~
- + ~~volunteer upon application for licensure.~~
- + ~~(d) Except for experience gained by attending workshops,~~
- + ~~seminars, training sessions, or conferences as described in~~
- + ~~paragraph (9) of subdivision (a), supervision shall include at least~~
- + ~~one hour of direct supervisor contact in each week for which~~
- + ~~experience is credited in each work setting, as specified:~~
- + ~~(1) A trainee shall receive an average of at least one hour of~~
- + ~~direct supervisor contact for every five hours of client contact in~~
- + ~~each setting. No more than six hours of supervision, whether~~
- + ~~individual or group, shall be credited during any single week.~~
- + ~~(2) An individual supervised after being granted a qualifying~~
- + ~~degree shall receive at least one additional hour of direct supervisor~~
- + ~~contact for every week in which more than 10 hours of client~~
- + ~~contact is gained in each setting. No more than six hours of~~
- + ~~supervision, whether individual or group, shall be credited during~~
- + ~~any single week.~~
- + ~~(3) For purposes of this section, “one hour of direct supervisor~~
- + ~~contact” means one hour per week of face-to-face contact on an~~

- + ~~individual basis or two hours per week of face-to-face contact in a group.~~
- + ~~(4) Direct supervisor contact shall occur within the same week as the hours claimed.~~
- + ~~(5) Direct supervisor contact provided in a group shall be provided in a group of not more than eight supervisees and in segments lasting no less than one continuous hour.~~
- + ~~(6) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.~~
- + ~~(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.~~
- + ~~(8) The six hours of supervision that may be credited during any single week pursuant to paragraphs (1) and (2) shall apply to supervision hours gained on or after January 1, 2009.~~
- + ~~(e) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:~~
  - + ~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~
  - + ~~(B) Provides oversight to ensure that the trainee'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 4980.02.~~
  - + ~~(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed professional clinical counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~
- + ~~(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.~~
- + ~~(f) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:~~
  - + ~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~
  - + ~~(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth~~

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 18 —**

- + ~~in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.~~
- + ~~(2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (c), until registered as an intern.~~
- + ~~(3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.~~
- + ~~(4) Except for periods of time during a supervisor’s vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee that has satisfied subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern’s employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor’s vacation or sick leave if the supervision meets the requirements of this section.~~
- + ~~(5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.~~
- + ~~(g) Except as provided in subdivision (h), all persons shall register with the board as an intern to be credited for postdegree hours of supervised experience gained toward licensure.~~
- + ~~(h) Postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master’s or doctoral degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.~~
- + ~~(i) Trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.~~
- + ~~(j) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. For purposes of paragraph (3) of subdivision (a) of Section 2290.5, interns and trainees working under licensed supervision, consistent with subdivision (c), may provide services via telehealth within the~~

+ scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.

+ (k) Trainees, interns, or applicants who provide volunteered 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 those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered employees and not independent contractors. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

+ (f) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

Page 11 35 SEC. 10.

Amendment 44

+ SEC. 11. Section 4980.43.1 is added to the Business and Professions Code, to read:

36 4980.43.1. (a) All trainees, associates, and applicants for  
37 licensure shall be at all times under the supervision of a supervisor  
38 as specified in this chapter and by regulation: *at all times*.

Amendment 45  
Amendment 46

Page 12 1 (b) As used in this chapter, the term "supervision" means  
2 responsibility for, and control of, the quality of *mental health and*  
3 *related* services being provided by the supervisee. Consultation  
4 or peer discussion shall not be considered supervision and shall  
5 not qualify as supervised experience.

Amendments 47 & 48

6 (e) ~~experience~~. Supervision includes, but is not limited to, all  
7 of the following:

Amendment 49

**PROPOSED AMENDMENTS**

AB 93

— 20 —

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE  
Amendment 50**

Page 12 8 (1) Ensuring ~~that~~ the extent, kind, and quality of counseling  
9 performed is consistent with the education, training, and experience  
10 of the supervisee.

11 (2) Monitoring and evaluating the supervisee’s assessment,  
12 diagnosis, and treatment decisions and providing regular feedback.

13 (3) Monitoring and evaluating the supervisee’s ability to provide  
14 services at the site or sites where he or she ~~will be~~ *is* practicing  
15 and to the particular clientele being served.

16 (4) Monitoring ~~for~~ and addressing clinical dynamics, including,  
17 but not limited to, countertransference-, intrapsychic-,  
18 interpersonal-, or trauma-related issues that may affect the  
19 supervisory or the practitioner-patient relationship.

20 (5) Ensuring the supervisee’s compliance with laws and  
21 regulations governing the practice of marriage and family therapy.

22 (6) Reviewing the supervisee’s progress notes, process notes,  
23 and other patient treatment records, as deemed appropriate by the  
24 supervisor.

25 (7) With the client’s written consent, providing direct  
26 observation or review of audio or video recordings of the  
27 supervisee’s counseling or therapy, as deemed appropriate by the  
28 supervisor.

30 ~~SEC. 11. Section 4980.43.2 is added to the Business and  
31 Professions Code, to read:~~

32 ~~4980.43.2. (a) Before applying for licensure with the board,  
33 all applicants for licensure as a licensed marriage and family  
34 therapist shall first satisfy the required supervised experience.~~

35 ~~(b) Except as provided in subdivision (c), all applicants shall  
36 have an active associate registration with the board in order to gain  
37 postdegree hours of supervised experience.~~

38 ~~(c) Postdegree hours of experience shall be credited toward  
39 licensure so long as the applicant applies for the associate  
40 registration and the board receives the application within 90 days  
of the granting of the qualifying degree and he or she is thereafter  
granted the associate registration by the board. An applicant shall  
not be employed or volunteer in a private practice until he or she  
has been issued an associate registration by the board.~~

Page 13

6 SEC. 12. Section 4980.43.3 is added to the Business and  
7 Professions Code, to read:

8 4980.43.3. (a) Except for experience gained by attending  
9 workshops, seminars, training sessions, or conferences, as

Amendment 51

Amendment 52

Amendment 53

Amendment 54

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 13 10 described in paragraph (9) of subdivision (a) of Section 4980.43,  
 11 ~~supervision shall include at least one hour of direct supervisor~~  
 12 ~~contact in each week for which experience is credited in each work~~  
 13 ~~setting as follows: direct supervisor contact shall occur as follows:~~  
 + (1) *Supervision shall include at least one hour of direct*  
 + *supervisor contact in each week for which experience is credited*  
 + *in each work setting.*  
 14 (1)  
 + (2) A trainee shall receive an average of at least one hour of  
 15 direct supervisor contact for every five hours of direct clinical  
 16 counseling ~~that is performed each week in each setting. No For~~  
 + *experience gained on or after January 1, 2009, no more than six*  
 17 *hours of supervision, whether individual individual, triadic, or*  
 18 *group, shall be credited during any single week.*  
 20 (2)  
 + (3) An associate gaining experience *who performs more than*  
 + *10 hours of direct clinical counseling in a week in any setting shall*  
 21 *receive at least one additional hour of direct supervisor contact in*  
 22 *each week for which more than 10 hours of direct clinical*  
 23 *counseling is performed in each for that setting. No For experience*  
 + *gained on or after January 1, 2009, no more than six hours of*  
 24 *supervision, whether individual individual, triadic, or group, shall*  
 + *be credited during any single week.*  
 + (4) *Of the 104 weeks of required supervision, 52 weeks shall be*  
 + *individual supervision, triadic supervision, or a combination of*  
 + *both.*  
 30 (b) For purposes of this chapter, “one hour of direct supervisor  
 31 contact” means any of the following:  
 32 (1) Individual supervision, which means one hour of face-to-face  
 33 contact between one supervisor and one supervisee.  
 34 (2) Triadic supervision, which means one hour of face-to-face  
 35 contact between one supervisor and two supervisees.  
 36 (3) Group supervision, which means two hours of face-to-face  
 37 contact between one supervisor and no more than eight supervisees.  
 38 Segments of group supervision may be split into no less than one  
 39 continuous hour. *A supervisor shall ensure that the amount and*  
 + *degree of supervision is appropriate for each supervisee.*  
 Page 14 1 (c) Direct supervisor contact shall occur within the same week  
 2 as the hours claimed.

**Amendment 55**

**Amendment 56**

**Amendments 57, 58 & 59**

**Amendment 60**

**Amendments 61 & 62**

**Amendment 63**

**Amendment 64**

**Amendment 65**

**Amendment 66**

**Amendment 67**

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE  
Amendment 68

AB 93

— 22 —

Page 14 3     ~~(d) An applicant for licensure shall have received at least one~~  
4     ~~hour per week of direct supervisor contact that is individual, triadic,~~  
5     ~~or a combination of both, as specified in paragraphs (1) or (2) of~~  
6     ~~subdivision (b), for a minimum of 52 weeks.~~  
7     ~~(e) When conducting group supervision, as specified in~~  
8     ~~paragraph (3) of subdivision (b), the supervisor shall ensure that~~  
9     ~~the amount and degree of supervision is appropriate for each~~  
10    ~~supervisee.~~  
11    ~~(f)~~  
+     (d) Notwithstanding subdivision (b), an associate working in a  
12    governmental entity, a school, a college, a university, or an  
13    institution that is both nonprofit and charitable may obtain the  
14    required weekly direct supervisor contact via two-way, real-time  
15    videoconferencing. The supervisor shall be responsible for ensuring  
16    compliance with state and federal law *federal and state laws*  
17    relating to confidentiality of patient health information.  
18    ~~(g) All experience gained by a trainee or associate shall be~~  
19    ~~monitored by the supervisor as specified by this chapter and~~  
20    ~~regulation.~~  
21    ~~(h) The six hours of supervision that may be credited during~~  
22    ~~any single week, pursuant to paragraphs (1) and (2) of subdivision~~  
23    ~~(a), shall apply to supervision hours gained on or after January 1,~~  
24    ~~2009.~~  
25    ~~(i)~~  
+     (e) Notwithstanding any other law, once the required number  
26    of experience hours are gained, associates and applicants for  
27    licensure shall receive a minimum of one hour of direct supervisor  
28    contact per week for each *practice* setting in which direct clinical  
29    counseling is performed. Once the required number of experience  
30    hours are gained, further supervision for nonclinical practice, as  
31    defined in paragraph (9) of subdivision (a) of Section 4980.43,  
32    shall be at the supervisor's discretion.  
34    SEC. 13. Section 4980.43.4 is added to the Business and  
35    Professions Code, to read:  
36    4980.43.4. (a) A trainee, associate, or applicant for licensure  
37    shall only perform *mental health and related services* as an  
+    employee or ~~as a volunteer.~~ *volunteer, and not as an independent*  
38    ~~contractor.~~ The requirements of this chapter regarding ~~gaining~~  
39    hours of experience and supervision shall apply equally to  
40    employees and volunteers. A trainee, associate, or applicant for

Amendments 69, 70 & 71  
Amendment 72

Amendment 73

Amendment 74

Amendment 75

Amendments 76 & 77

Amendment 78

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

Page 15 1 licensure shall not perform any services or gain any experience  
2 within the scope of practice of the profession, as defined in Section  
3 4980.02, as an independent contractor. *While an associate may be*  
+ *either a paid employee or a volunteer, employers are encouraged*  
+ *to provide fair remuneration.*

Amendment 79

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

Amendment 80  
Amendment 81  
Amendment 82

7 (2) If volunteering, an associate shall provide the ~~board~~ board,  
8 upon application for licensure, with a letter from his or her  
9 employer verifying the associate's status as a volunteer during the  
10 dates the experience was gained. ~~This letter shall be provided to~~  
+ ~~the board upon application for licensure.~~

Amendment 83

Amendment 84

11 (b) (1) A trainee shall not perform services in a private practice.  
12 A trainee may be credited with supervised experience completed  
13 in ~~any~~ a setting that meets all of the following:

Amendment 85  
Amendment 86  
Amendment 87

+ (A) *Is not a private practice.*

14 ~~(A)~~

+ (B) Lawfully and regularly provides mental health counseling  
15 or psychotherapy.

Amendment 88

16 ~~(B)~~

+ (C) Provides oversight to ensure that the trainee's work at the  
17 setting meets the experience and supervision requirements in this  
18 chapter and is within the scope of practice for the profession, as  
19 defined in Section 4980.02.

Amendment 89

20 ~~(C) Is not a private practice owned by a licensed marriage and~~  
21 ~~family therapist, a licensed professional clinical counselor, a~~  
22 ~~licensed psychologist, a licensed clinical social worker, a licensed~~  
23 ~~physician and surgeon, or a professional corporation of any of~~  
24 ~~those licensed professions.~~

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

Amendment 90

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

Amendment 91

29 ~~(A)~~

+ (I) Lawfully and regularly provides mental health counseling  
30 or psychotherapy.

Amendment 92

31 ~~(B)~~

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 24 —

Page 15 + (2) Provides oversight to ensure that the associate’s work at the  
32 setting meets the experience and supervision requirements in this  
33 chapter and is within the scope of practice for the profession, as  
34 defined in Section 4980.02.

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

37 (3) Only experience gained in the position for which the  
38 associate volunteers or is employed shall qualify as supervised  
39 experience.

Page 16 1 (4) An applicant for registration as an associate shall not be  
2 employed or volunteer in a private practice until he or she has been  
3 issued an associate registration by the board.

4 (d) Any experience obtained under the supervision of a spouse,  
5 relative, or domestic partner shall not be credited toward the  
6 required hours of supervised experience. Any experience obtained  
7 under the supervision of a supervisor with whom the applicant has  
8 had or currently has a personal, professional, or business  
9 relationship that undermines the authority or effectiveness of the  
10 supervision shall not be credited toward the required hours of  
11 supervised experience.

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

15 (f) A trainee, associate, or applicant for licensure shall have no  
16 proprietary interest in his or her employer’s business and shall not  
17 lease or rent space, pay for furnishings, equipment, or supplies, or  
18 in any other way pay for the obligations of his or her employer.

19 (g) A trainee, associate, or applicant for licensure who provides  
20 voluntary services in any lawful work setting other than a private  
21 practice and who only receives reimbursement for expenses  
22 actually incurred shall be considered an ~~employee and not an~~  
23 ~~independent contractor.~~ *employee.* The board may audit an  
24 applicant for licensure who receives reimbursement for expenses  
25 and the applicant for licensure shall have the burden of  
26 demonstrating that the payment received was for reimbursement  
27 of expenses actually incurred.

28 (h) A trainee, associate, or applicant for licensure who receives  
29 a stipend or educational loan repayment from a program designed  
30 to encourage demographically underrepresented groups to enter  
31 the profession or to improve recruitment and retention in

Amendment 93

Amendment 94

Amendment 95

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE  
Amendment 96

Page 16 32 underserved regions or settings shall be considered an ~~employee~~  
33 ~~and not an independent contractor.~~ *employee*. The board may audit  
34 an applicant who receives a stipend or educational loan repayment  
35 and the applicant shall have the burden of demonstrating that the  
36 payment received was for the specified purposes.

37 (i) ~~For purposes of paragraph (3) of subdivision (a) of Section~~  
38 ~~2990.5, an~~ *An* associate or a trainee ~~working under a licensed~~  
39 ~~supervisor, consistent with this chapter, may provide services via~~  
40 ~~telehealth within the scope authorized by this chapter and in~~  
accordance with any regulations governing the use of telehealth  
promulgated by the board. *that are in the scope of practice outlined*  
+ *in this chapter.*

Page 17 1 (j) Each educational institution preparing applicants pursuant  
2 to this chapter shall consider requiring, and shall encourage, its  
+ 3 students to undergo individual, marital, conjoint, family, or group  
4 counseling or psychotherapy, as appropriate. Each supervisor shall  
5 consider, advise, and encourage his or her associates and trainees  
6 regarding the advisability of undertaking individual, marital,  
7 conjoint, family, or group counseling or psychotherapy, as  
8 appropriate. Insofar as it is deemed appropriate and is desired by  
9 the applicant, educational institutions and supervisors are  
10 encouraged to assist the applicant ~~in locating~~ *that to locate*  
11 counseling or psychotherapy at a reasonable cost.

12 SEC. 14. Section 4980.43.6 is added to the Business and  
13 Professions Code, to read:

14 4980.43.6. The board ~~shall have the right to~~ *may* audit the  
15 records of any supervisor to verify the completion of the supervisor  
16 qualifications specified by this chapter and by regulation. A  
17 supervisor shall maintain records of completion of the required  
18 supervisor qualifications for ~~a period of~~ seven years after  
19 termination of *the* supervision and shall make these records  
20 available to the board for auditing purposes upon request.

21 SEC. 15. ~~Section 4980.44 of the Business and Professions~~  
22 ~~Code is amended to read:~~

23 4980.44. ~~An unlicensed associate marriage and family therapist~~  
24 ~~employed under this chapter shall comply with the following~~  
25 ~~requirements:~~

26 (a) ~~Possess, at a minimum, a master's degree as specified in~~  
27 ~~Section 4980.36 or 4980.37, as applicable.~~

Amendment 97  
Amendment 98

Amendment 99

Amendment 100

Amendment 101

Amendment 102  
Amendment 103

Amendment 104

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 26 —

Page 17 32 ~~(b) Register with the board prior to performing any duties,~~  
33 ~~except as otherwise provided in subdivision (c) of Section~~  
34 ~~4980.43.2.~~

35 ~~(c) Prior to performing any professional services, inform each~~  
36 ~~client or patient that he or she is an unlicensed registered associate~~  
37 ~~marriage and family therapist, provide his or her registration~~  
38 ~~number and the name of his or her employer, and indicate whether~~  
39 ~~he or she is under the supervision of a licensed marriage and family~~  
40 ~~therapist, licensed clinical social worker, licensed professional~~  
Page 18 1 ~~clinical counselor, licensed psychologist, or a licensed physician~~  
2 ~~and surgeon certified in psychiatry by the American Board of~~  
3 ~~Psychiatry and Neurology.~~

4 ~~(d) (1) Any advertisement by or on behalf of a registered~~  
5 ~~associate marriage and family therapist shall include, at a~~  
6 ~~minimum, all of the following information:~~

7 ~~(A) That he or she is a registered associate marriage and family~~  
8 ~~therapist.~~

9 ~~(B) The associate's registration number.~~

10 ~~(C) The name of his or her employer.~~

11 ~~(D) That he or she is supervised by a licensed person.~~

12 ~~(2) The abbreviation "AMFT" shall not be used in an~~  
13 ~~advertisement unless the title "registered associate marriage and~~  
14 ~~family therapist" appears in the advertisement.~~

+ *SEC. 15. Section 4980.44 of the Business and Professions Code*  
+ *is amended to read:*

+ 4980.44. An unlicensed associate marriage and family therapist  
+ employed under this chapter shall comply with the following  
+ requirements:

+ (a) Possess, at a minimum, a master's degree as specified in  
+ Section 4980.36 or 4980.37, as applicable.

+ (b) Register with the board prior to performing any duties,  
+ except as otherwise provided in subdivision (h) of Section 4980.43.

+ (c) Prior

+ (a) Inform each client or patient prior to performing any  
+ professional services, inform each client or patient mental health  
+ and related services that he or she is an unlicensed registered  
+ associate marriage and family therapist, provide his or her  
+ registration number and the name of his or her employer, and  
+ indicate whether he or she is under the supervision of a licensed  
+ marriage and family therapist, licensed clinical social worker,

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

+ licensed professional clinical counselor, ~~licensed psychologist,~~  
+ ~~psychologist licensed pursuant to Chapter 6.6 (commencing with~~  
+ ~~Section 2900), or a licensed physician and surgeon certified in~~  
+ ~~psychiatry by the American Board of Psychiatry and Neurology.~~

+ ~~(d)~~

+ (b) (1) Any advertisement by or on behalf of a registered  
+ associate marriage and family therapist shall include, at a  
+ minimum, all of the following information:

+ (A) That he or she is a registered associate marriage and family  
+ therapist.

+ (B) The associate's registration number.

+ (C) The name of his or her employer.

+ (D) That he or she is supervised by a licensed person.

+ (2) The abbreviation "AMFT" shall not be used in an  
+ advertisement unless the title "registered associate marriage and  
+ family therapist" appears in the advertisement.

Page 18 16 SEC. 16. Section 4980.45 of the Business and Professions  
17 Code is amended and renumbered to read:

18 4980.43.5. (a) A trainee, associate, or applicant for licensure  
19 shall only perform *mental health and related services* at the ~~place~~  
20 ~~places~~ where his or her employer regularly conducts business and  
21 ~~services, which may include performing services at other locations~~  
22 ~~as long as the services are performed under the direction and~~  
23 ~~control of his or her employer and his or her supervisor and in~~  
24 ~~compliance with the laws and regulations pertaining to supervision.~~  
+ ~~services.~~

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

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

Amendments 105 & 106  
Amendment 107

Amendment 108

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE  
Amendment 109**

AB 93

— 28 —

Page 18 31 (c) A licensed professional in private practice who has satisfied  
32 the requirements of subdivision (g) of Section 4980.03 may  
33 supervise or employ, *supervisor at a private practice or a*  
+ *corporation shall not supervise more than a total of three*  
+ *supervisees at any one time, no more than a total of three*  
34 *individuals registered as an associate marriage and family therapist,*  
35 *an associate professional clinical counselor, or an associate clinical*  
36 *social worker in that private practice. time. Supervisees may be*  
+ *registered as an associate marriage and family therapist, an*  
+ *associate professional clinical counselor, or an associate clinical*  
+ *social worker.*

**Amendment 110**

37 (d) All of the following limits shall apply to marriage and family  
38 therapy corporations:

**Amendment 111**

Page 19 1 (1) A marriage and family therapy corporation may retain, at  
2 any one time, no more than a total of three employees, volunteers,  
3 or a combination of employees and volunteers, registered as an  
4 associate marriage and family therapist, an associate professional  
5 clinical counselor, or an associate clinical social worker for each  
6 supervising employee or shareholder who has satisfied the  
7 requirements of subdivision (g) of Section 4980.03.

8 (2) In no event shall any marriage and family therapy  
9 corporation retain, at any one time, more than a total of 15  
10 employees, volunteers, or a combination of employees and  
11 volunteers, registered as an associate marriage and family therapist,  
12 an associate professional clinical counselor, or an associate clinical  
13 social worker.

14 (3) In no event shall any supervisor supervise, at any one time,  
15 more than a total of three employees, volunteers, or a combination  
16 of employees and volunteers, registered as either an associate  
17 marriage and family therapist, an associate professional clinical  
18 counselor, or an associate clinical social worker. A person who  
19 supervises an employee or volunteer registered as either an  
20 associate marriage and family therapist, an associate professional  
21 clinical counselor, or an associate clinical social worker shall be  
22 employed full time by the marriage and family therapy corporation  
23 and shall be actively engaged in performing professional services  
24 at and for the marriage and family therapy corporation.

25 (4) Employment and supervision within a marriage and family  
26 therapy corporation shall be subject to all laws and regulations

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

Page 19 27 ~~governing experience and supervision gained in a private practice~~  
28 ~~setting.~~

29 (e)

+ (d) In a setting that is not a private practice, a written practice:

30 (1) A written oversight agreement, as specified by regulation,  
31 shall be executed between the supervisor and employer when the  
32 supervisor is not employed by the supervisee's employer or is a  
+ volunteer.

33 (f) ~~In any setting that is not a private practice, a supervisor~~

34 (2) A supervisor shall evaluate the site or sites where a trainee  
35 or associate will be gaining hours of experience toward licensure  
36 and shall determine both of the following: to determine that the  
+ site or sites comply with the requirements set forth in this chapter.

37 (1) ~~That the site or sites provide experience that is within the~~  
38 ~~scope of practice of a marriage and family therapist.~~

39 (2) ~~That the experience is in compliance with the requirements~~  
40 ~~set forth in this chapter and regulation.~~

Page 20 1 (g)

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

4 SEC. 17. Section 4980.50 of the Business and Professions  
5 Code is amended to read:

6 ~~4980.50. Effective January 1, 2016, the following shall apply:~~

7 (a) ~~Every~~

+ 4980.50. (a) Every applicant who meets the educational and  
8 experience requirements and applies for a license as a marriage  
9 and family therapist shall be examined by the board. The  
10 examinations shall be as set forth in subdivision (d) of Section  
11 4980.40. The examinations shall be given at least twice a year at  
12 a time and place and under supervision as the board may determine.  
13 The board shall examine the candidate with regard to his or her  
14 knowledge and professional skills and his or her judgment in the  
15 utilization of appropriate techniques and methods.

16 (b) The board shall not deny any ~~applicant~~, applicant who has  
17 submitted a complete application for examination, admission to  
18 the licensure examinations required by this section if the applicant  
19 meets the educational and experience requirements of this chapter,  
20 and has not committed any acts or engaged in any conduct that  
21 would constitute grounds to deny licensure.

Amendment 112

Amendment 113

Amendments 114 & 115

Amendment 116

Amendment 117

Amendment 118

**PROPOSED AMENDMENTS**

**AB 93**

**— 30 —**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 20 22 (c) The board shall not deny any applicant, whose application  
23 for licensure is complete, admission to the clinical examination,  
24 nor shall the board postpone or delay any applicant’s clinical  
25 examination or delay informing the candidate of the results of the  
26 clinical examination, solely upon the receipt by the board of a  
27 complaint alleging acts or conduct that would constitute grounds  
28 to deny licensure.

29 (d) If an applicant for examination who has passed the California  
30 law and ethics examination is the subject of a complaint or is under  
31 board investigation for acts or conduct that, if proven to be true,  
32 would constitute grounds for the board to deny licensure, the board  
33 shall permit the applicant to take the clinical examination for  
34 licensure, but may withhold the results of the examination or notify  
35 the applicant that licensure will not be granted pending completion  
36 of the investigation.

Page 21 37 (e) Notwithstanding Section 135, the board may deny any  
38 applicant who has previously failed either the California law and  
39 ethics examination or the clinical examination permission to retake  
40 either examination pending completion of the investigation of any  
1 complaints against the applicant. Nothing in this section shall  
2 prohibit the board from denying an applicant admission to any  
3 examination, withholding the results, or refusing to issue a license  
4 to any applicant when an accusation or statement of issues has  
5 been filed against the applicant pursuant to Sections 11503 and  
6 11504 of the Government Code, respectively, or the applicant has  
7 been denied in accordance with subdivision (b) of Section 485.

8 (f) Notwithstanding any other provision of law, the board may  
9 destroy all examination materials two years following the date of  
10 an examination.

11 (g) ~~Effective January 1, 2016, an~~ An applicant for licensure shall  
12 not be eligible to participate in the clinical examination if he or  
13 she fails to obtain a passing score on the clinical examination  
14 within seven years from his or her initial attempt, unless he or she  
15 takes and obtains a passing score on the current version of the  
16 California law and ethics examination.

17 (h) A passing score on the clinical examination shall be accepted  
18 by the board for a period of seven years from the date the  
19 examination was taken.

**Amendment 119**

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 21 20 (i) An applicant for licensure who has qualified pursuant to this  
21 chapter shall be issued a license as a marriage and family therapist  
22 in the form that the board deems appropriate.

23 ~~(j) This section shall become operative on January 1, 2016.~~

**Amendment 120**

25 SEC. 18. Section 4980.78 of the Business and Professions  
26 Code is amended to read:

27 4980.78. (a) This section applies to persons who apply for  
28 licensure or registration ~~on or after January 1, 2016,~~ and who do  
29 not hold a license as described in Section 4980.72.

**Amendment 121**

30 (b) For purposes of Section 4980.74, education is substantially  
31 equivalent if all of the following requirements are met:

32 (1) The degree is obtained from a school, college, or university  
33 accredited by a regional or national institutional accrediting agency  
34 that is recognized by the United States Department of Education  
35 and consists of, at a minimum, the following:

36 (A) (i) For an applicant who obtained his or her degree within  
37 the timeline prescribed by subdivision (a) of Section 4980.36, the  
38 degree shall contain no less than 60 semester or 90 quarter units  
39 of instruction.

Page 22 1 (ii) Up to 12 semester or 18 quarter units of instruction may be  
2 remediated, if missing from the degree. The remediation may occur  
3 while the applicant is registered as an associate.

4 (B) For an applicant who obtained his or her degree within the  
5 timeline prescribed by subdivision (a) of Section 4980.37, the  
6 degree shall contain no less than 48 semester units or 72 quarter  
7 units of instruction.

8 (C) Six semester or nine quarter units of practicum, including,  
9 but not limited to, a minimum of 150 hours of face-to-face  
10 experience counseling individuals, couples, families, or groups,  
11 and an additional 75 hours of either face-to-face experience  
12 counseling individuals, couples, families, or groups or client  
13 centered advocacy, or a combination of face-to-face experience  
14 counseling individuals, couples, families, or groups and client  
15 centered advocacy.

16 (D) Twelve semester or 18 quarter units in the areas of marriage,  
17 family, and child counseling and marital and family systems  
18 approaches to treatment, as specified in subparagraph (A) of  
19 paragraph (1) of subdivision (d) of Section 4980.36.

20 (2) The applicant shall complete coursework in California law  
21 and ethics as follows:

**PROPOSED AMENDMENTS**

**AB 93**

— 32 —

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 22 22 (A) An applicant who completed a course in law and  
 23 professional ethics for marriage and family therapists as specified  
 24 in paragraph (8) of subdivision (a) of Section 4980.81, that did not  
 25 contain instruction in California law and ethics, shall complete an  
 26 18-hour course in California law and professional ethics. The  
 27 content of the course shall include, but not be limited to,  
 28 advertising, scope of practice, scope of competence, treatment of  
 29 minors, confidentiality, dangerous patients, psychotherapist-patient  
 30 privilege, recordkeeping, patient access to records, state and federal  
 31 laws relating to confidentiality of patient health information, dual  
 32 relationships, child abuse, elder and dependent adult abuse, online  
 33 therapy, insurance reimbursement, civil liability, disciplinary  
 34 actions and unprofessional conduct, ethics complaints and ethical  
 35 standards, termination of therapy, standards of care, relevant family  
 36 law, therapist disclosures to patients, differences in legal and ethical  
 37 standards in different types of work settings, and licensing law  
 38 and licensing process. This coursework shall be completed prior  
 39 to registration as an associate.

Page 23 1 (B) An applicant who has not completed a course in law and  
 2 professional ethics for marriage and family therapists as specified  
 3 in paragraph (8) of subdivision (a) of Section 4980.81 shall  
 4 complete this required coursework. The coursework shall contain  
 5 content specific to California law and ethics. This coursework shall  
 6 be completed prior to registration as an associate.

7 (3) The applicant completes the educational requirements  
 8 specified in Section 4980.81 not already completed in his or her  
 9 education. The coursework may be from an accredited school,  
 10 college, or university as specified in paragraph (1), from an  
 11 educational institution approved by the Bureau for Private  
 12 Postsecondary Education, or from a continuing education provider  
 13 that is acceptable to the board as defined in Section 4980.54.  
 14 Undergraduate courses shall not satisfy this requirement.

15 (4) The applicant completes the following coursework not  
 16 already completed in his or her education from an accredited  
 17 school, college, or university as specified in paragraph (1) from  
 18 an educational institution approved by the Bureau for Private  
 19 Postsecondary Education, or from a continuing education provider  
 20 that is acceptable to the board as defined in Section 4980.54.  
 21 Undergraduate courses shall not satisfy this requirement.

Page 23 22 (A) At least three semester units, or 45 hours, of instruction  
23 regarding the principles of mental health recovery-oriented care  
24 and methods of service delivery in recovery-oriented practice  
25 environments, including structured meetings with various  
26 consumers and family members of consumers of mental health  
27 services to enhance understanding of their experience of mental  
28 illness, treatment, and recovery.

29 (B) At least one semester unit, or 15 hours, of instruction that  
30 includes an understanding of various California cultures and the  
31 social and psychological implications of socioeconomic position.

32 (5) An applicant may complete any units and course content  
33 requirements required under paragraphs (3) and (4) not already  
34 completed in his or her education while registered as an associate,  
35 unless otherwise specified.

36 (6) The applicant’s degree title need not be identical to that  
37 required by subdivision (b) of Section 4980.36.

39 SEC. 19. Section 4980.79 of the Business and Professions  
40 Code is amended to read:

Page 24 1 4980.79. (a) This section applies to persons ~~who apply for~~  
2 ~~licensure or registration on or after January 1, 2016, and who hold~~  
3 a license as described in Section 4980.72.

4 (b) For purposes of Section 4980.72, education is substantially  
5 equivalent if all of the following requirements are met:

6 (1) The degree is obtained from a school, college, or university  
7 accredited by a regional or national institutional accrediting agency  
8 recognized by the United States Department of Education and  
9 consists of, at a minimum, the following:

10 (A) (i) For an applicant who obtained his or her degree within  
11 the timeline prescribed by subdivision (a) of Section 4980.36, the  
12 degree shall contain no less than 60 semester or 90 quarter units  
13 of instruction.

14 (ii) Up to 12 semester or 18 quarter units of instruction may be  
15 remediated, if missing from the degree. The remediation may occur  
16 while the applicant is registered as an associate.

17 (B) For an applicant who obtained his or her degree within the  
18 timeline prescribed by subdivision (a) of Section 4980.37, the  
19 degree shall contain no less than 48 semester or 72 quarter units  
20 of instruction.

21 (C) Six semester or nine quarter units of practicum, including,  
22 but not limited to, a minimum of 150 hours of face-to-face

Amendment 122

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 34 —**

Page 24 23 experience counseling individuals, couples, families, or groups,  
24 and an additional 75 hours of either face-to-face experience  
25 counseling individuals, couples, families, or groups or client  
26 centered advocacy, or a combination of face-to-face experience  
27 counseling individuals, couples, families, or groups and client  
28 centered advocacy.

29 (i) An out-of-state applicant who has been licensed for at least  
30 two years in clinical practice, as verified by the board, is exempt  
31 from this requirement.

32 (ii) An out-of-state applicant who has been licensed for less  
33 than two years in clinical practice, as verified by the board, who  
34 does not meet the practicum requirement, shall remediate it by  
35 obtaining 150 hours of face-to-face experience counseling  
36 individuals, couples, families, or groups, and an additional 75  
37 hours of either face-to-face experience counseling individuals,  
38 couples, families, or groups or client centered advocacy, or a  
39 combination of face-to-face experience counseling individuals,  
40 couples, families, or groups and client centered advocacy. These

Page 25 1 hours are in addition to the 3,000 hours of experience required by  
2 this chapter, and shall be gained while registered as an associate.

3 (D) Twelve semester or 18 quarter units in the areas of marriage,  
4 family, and child counseling and marital and family systems  
5 approaches to treatment, as specified in subparagraph (A) of  
6 paragraph (1) of subdivision (d) of Section 4980.36.

7 (2) An applicant shall complete coursework in California law  
8 and ethics as follows:

9 (A) An applicant who completed a course in law and  
10 professional ethics for marriage and family therapists as specified  
11 in paragraph (8) of subdivision (a) of Section 4980.81 that did not  
12 include instruction in California law and ethics, shall complete an  
13 18-hour course in California law and professional ethics. The  
14 content of the course shall include, but not be limited to,  
15 advertising, scope of practice, scope of competence, treatment of  
16 minors, confidentiality, dangerous patients, psychotherapist-patient  
17 privilege, recordkeeping, patient access to records, state and federal  
18 laws relating to confidentiality of patient health information, dual  
19 relationships, child abuse, elder and dependent adult abuse, online  
20 therapy, insurance reimbursement, civil liability, disciplinary  
21 actions and unprofessional conduct, ethics complaints and ethical  
22 standards, termination of therapy, standards of care, relevant family

Page 25 23 law, therapist disclosures to patients, differences in legal and ethical  
24 standards in different types of work settings, and licensing law  
25 and licensing process. This coursework shall be completed prior  
26 to registration as an associate.

27 (B) An applicant who has not completed a course in law and  
28 professional ethics for marriage and family therapists as specified  
29 in paragraph (8) of subdivision (a) of Section 4980.81 shall  
30 complete this required coursework. The coursework shall include  
31 content specific to California law and ethics. An applicant shall  
32 complete this coursework prior to registration as an associate.

33 (3) The applicant completes the educational requirements  
34 specified in Section 4980.81 not already completed in his or her  
35 education. The coursework may be from an accredited school,  
36 college, or university as specified in paragraph (1), from an  
37 educational institution approved by the Bureau for Private  
38 Postsecondary Education, or from a continuing education provider  
39 that is acceptable to the board as defined in Section 4980.54.  
40 Undergraduate coursework shall not satisfy this requirement.

Page 26 1 (4) The applicant completes the following coursework not  
2 already completed in his or her education from an accredited  
3 school, college, or university as specified in paragraph (1) above,  
4 from an educational institution approved by the Bureau for Private  
5 Postsecondary Education, or from a continuing education provider  
6 that is acceptable to the board as defined in Section 4980.54.  
7 Undergraduate coursework shall not satisfy this requirement.

8 (A) At least three semester units, or 45 hours, of instruction  
9 pertaining to the principles of mental health recovery-oriented care  
10 and methods of service delivery in recovery-oriented practice  
11 environments, including structured meetings with various  
12 consumers and family members of consumers of mental health  
13 services to enhance understanding of their experience of mental  
14 illness, treatment, and recovery.

15 (B) At least one semester unit, or 15 hours, of instruction that  
16 includes an understanding of various California cultures and the  
17 social and psychological implications of socioeconomic position.

18 (5) An applicant's degree title need not be identical to that  
19 required by subdivision (b) of Section 4980.36.

20 (6) An applicant may complete any units and course content  
21 requirements required under paragraphs (3) and (4) not already

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 36 —**

Page 26 22 completed in his or her education while registered as an associate,  
23 unless otherwise specified.

25 SEC. 20. Section 4982 of the Business and Professions Code  
26 is amended to read:

27 4982. The board may deny a license or registration or may  
28 suspend or revoke the license or registration of a licensee or  
29 registrant if he or she has been guilty of unprofessional conduct.  
30 Unprofessional conduct includes, but is not limited to, the  
31 following:

32 (a) The conviction of a crime substantially related to the  
33 qualifications, functions, or duties of a licensee or registrant under  
34 this chapter. The record of conviction shall be conclusive evidence  
35 only of the fact that the conviction occurred. The board may inquire  
36 into the circumstances surrounding the commission of the crime  
37 in order to fix the degree of discipline or to determine if the  
38 conviction is substantially related to the qualifications, functions,  
39 or duties of a licensee or registrant under this chapter. A plea of  
40 verdict of guilty or a conviction following a plea of nolo contendere

Page 27 1 made to a charge substantially related to the qualifications,  
2 functions, or duties of a licensee or registrant under this chapter  
3 shall be deemed to be a conviction within the meaning of this  
4 section. The board may order any license or registration suspended  
5 or revoked, or may decline to issue a license or registration when  
6 the time for appeal has elapsed, or the judgment of conviction has  
7 been affirmed on appeal, or, when an order granting probation is  
8 made suspending the imposition of sentence, irrespective of a  
9 subsequent order under Section 1203.4 of the Penal Code allowing  
10 the person to withdraw a plea of guilty and enter a plea of not  
11 guilty, or setting aside the verdict of guilty, or dismissing the  
12 accusation, information, or indictment.

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

18 (c) Administering to himself or herself any controlled substance  
19 or using of any of the dangerous drugs specified in Section 4022,  
20 or of any alcoholic beverage to the extent, or in a manner, as to be  
21 dangerous or injurious to the person applying for a registration or  
22 license or holding a registration or license under this chapter, or

Page 27 23 to any other person, or to the public, or, to the extent that the use  
24 impairs the ability of the person applying for or holding a  
25 registration or license to conduct with safety to the public the  
26 practice authorized by the registration or license. The board shall  
27 deny an application for a registration or license or revoke the  
28 license or registration of any person, other than one who is licensed  
29 as a physician and surgeon, who uses or offers to use drugs in the  
30 course of performing marriage and family therapy services.

31 (d) Gross negligence or incompetence in the performance of  
32 marriage and family therapy.

33 (e) Violating, attempting to violate, or conspiring to violate any  
34 of the provisions of this chapter or any regulation adopted by the  
35 board.

36 (f) Misrepresentation as to the type or status of a license or  
37 registration held by the person, or otherwise misrepresenting or  
38 permitting misrepresentation of his or her education, professional  
39 qualifications, or professional affiliations to any person or entity.

Page 28 1 (g) Impersonation of another by any licensee, registrant, or  
2 applicant for a license or registration, or, in the case of a licensee,  
3 allowing any other person to use his or her license or registration.

4 (h) Aiding or abetting, or employing, directly or indirectly, any  
5 unlicensed or unregistered person to engage in conduct for which  
6 a license or registration is required under this chapter.

7 (i) Intentionally or recklessly causing physical or emotional  
8 harm to any client.

9 (j) The commission of any dishonest, corrupt, or fraudulent act  
10 substantially related to the qualifications, functions, or duties of a  
11 licensee or registrant.

12 (k) Engaging in sexual relations with a client, or a former client  
13 within two years following termination of therapy, soliciting sexual  
14 relations with a client, or committing an act of sexual abuse, or  
15 sexual misconduct with a client, or committing an act punishable  
16 as a sexually related crime, if that act or solicitation is substantially  
17 related to the qualifications, functions, or duties of a marriage and  
18 family therapist.

19 (l) Performing, or holding oneself out as being able to perform,  
20 or offering to perform, or permitting any trainee, registered  
21 associate, or applicant for licensure under supervision to perform,  
22 any professional services beyond the scope of the license authorized  
23 by this chapter.

| Amendment 123

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 38 —**

Page 28 24 (m) Failure to maintain confidentiality, except as otherwise  
25 required or permitted by law, of all information that has been  
26 received from a client in confidence during the course of treatment  
27 and all information about the client that is obtained from tests or  
28 other means.

29 (n) Prior to the commencement of treatment, failing to disclose  
30 to the client or prospective client the fee to be charged for the  
31 professional services, or the basis upon which that fee will be  
32 computed.

33 (o) Paying, accepting, or soliciting any consideration,  
34 compensation, or remuneration, whether monetary or otherwise,  
35 for the referral of professional clients. All consideration,  
36 compensation, or remuneration shall be in relation to professional  
37 counseling services actually provided by the licensee. Nothing in  
38 this subdivision shall prevent collaboration among two or more  
39 licensees in a case or cases. However, no fee shall be charged for

Page 29 1 that collaboration, except when disclosure of the fee has been made  
2 in compliance with subdivision (n).

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

5 (q) Reproduction or description in public, or in any publication  
6 subject to general public distribution, of any psychological test or  
7 other assessment device, the value of which depends in whole or  
8 in part on the naivete of the subject, in ways that might invalidate  
9 the test or device.

10 (r) Any conduct in the supervision of any registered associate,  
11 trainee, or applicant *for licensure* by any licensee that violates  
12 this chapter or any rules or regulations adopted by the board.

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

19 (t) Permitting a trainee, registered associate, or applicant *for*  
20 *licensure* under one's supervision or control to perform, or  
21 permitting the trainee, registered associate, or applicant *for*  
22 *licensure* to hold himself or herself out as competent to perform,  
23 ~~professional~~ *mental health* services beyond the trainee's, registered  
24 associate's, or ~~applicant's~~ *applicant for licensure's* level of  
25 education, training, or experience.

**Amendment 124**

**Amendment 125**

**Amendment 126**

**Amendment 127**

**Amendment 128**

**Amendment 129**

Page 29 26 (u) The violation of any statute or regulation governing the  
 27 gaining and supervision of experience required by this chapter.  
 28 (v) Failure to keep records consistent with sound clinical  
 29 judgment, the standards of the profession, and the nature of the  
 30 services being rendered.  
 31 (w) Failure to comply with the child abuse reporting  
 32 requirements of Section 11166 of the Penal Code.  
 33 (x) Failure to comply with the elder and dependent adult abuse  
 34 reporting requirements of Section 15630 of the Welfare and  
 35 Institutions Code.  
 36 (y) Willful violation of Chapter 1 (commencing with Section  
 37 123100) of Part 1 of Division 106 of the Health and Safety Code.  
 38 (z) Failure to comply with Section 2290.5.  
 39 (aa) (1) Engaging in an act described in Section 261, 286, 288a,  
 40 or 289 of the Penal Code with a minor or an act described in  
 Page 30 1 Section 288 or 288.5 of the Penal Code regardless of whether the  
 2 act occurred prior to or after the time the registration or license  
 3 was issued by the board. An act described in this subdivision  
 4 occurring prior to the effective date of this subdivision shall  
 5 constitute unprofessional conduct and shall subject the licensee to  
 6 refusal, suspension, or revocation of a license under this section.  
 7 (2) The Legislature hereby finds and declares that protection of  
 8 the public, and in particular minors, from sexual misconduct by a  
 9 licensee is a compelling governmental interest, and that the ability  
 10 to suspend or revoke a license for sexual conduct with a minor  
 11 occurring prior to the effective date of this section is equally  
 12 important to protecting the public as is the ability to refuse a license  
 13 for sexual conduct with a minor occurring prior to the effective  
 14 date of this section.  
 15 (ab) Engaging in any conduct that subverts or attempts to subvert  
 16 any licensing examination or the administration of an examination  
 17 as described in Section 123.  
 19 SEC. 21. Section 4982.15 of the Business and Professions  
 20 Code is amended to read:  
 21 4982.15. (a) The board may place a license or registration on  
 22 probation under the following circumstances:  
 23 (1) In lieu of, or in addition to, any order of the board suspending  
 24 or revoking the license or registration of any licensee or associate.

**PROPOSED AMENDMENTS**

**AB 93**

**— 40 —**

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE**

Page 30 25 (2) Upon the issuance of a license to an individual who has been  
26 guilty of unprofessional conduct, but who had otherwise completed  
27 all education and training and experience required for licensure.

28 (3) As a condition upon the reissuance or reinstatement of any  
29 license that has been suspended or revoked by the board.

30 (b) The board may adopt regulations establishing a monitoring  
31 program to ensure compliance with any terms or conditions of  
32 probation imposed by the board pursuant to subdivision (a). The  
33 cost of probation or monitoring may be ordered to be paid by the  
34 licensee, registrant, or applicant.

35 (c) The board, in its discretion, may require any licensee or  
36 registrant who has been placed on probation, or whose license or  
37 registration has been suspended, to obtain additional professional  
38 training, and to pass an examination upon completion of that  
39 training, and to pay any necessary examination fee. The

Page 31 1 examination may be written, oral, or a practical or clinical  
2 examination.

4 SEC. 22. Section 4984.01 of the Business and Professions  
5 Code is amended to read:

6 4984.01. (a) The associate marriage and family therapist  
7 registration shall expire one year from the last day of the month  
8 in which it was issued.

9 (b) To renew the registration, the registrant shall, on or before  
10 the expiration date of the registration, complete all of the following  
11 actions:

12 (1) Apply for renewal on a form prescribed by the board.

13 (2) Pay a renewal fee prescribed by the board.

14 (3) Participate in the California law and ethics examination  
15 pursuant to Section 4980.399 each year until successful completion  
16 of this examination.

17 (4) Notify the board whether he or she has been convicted, as  
18 defined in Section 490, of a misdemeanor or felony, and whether  
19 any disciplinary action has been taken against him or her by a  
20 regulatory or licensing board in this or any other state subsequent  
21 to the last renewal of the registration.

22 (c) The registration may be renewed a maximum of five times.  
23 No registration shall be renewed or reinstated beyond six years  
24 from the last day of the month during which it was issued,  
25 regardless of whether it has been revoked. When no further  
26 renewals are possible, an applicant may apply for and obtain a

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

Page 31 27 subsequent associate registration number if the applicant meets  
28 the educational requirements for ~~registration in effect at the time~~  
29 ~~of the application~~ for a subsequent associate registration number  
30 and has passed the California law and ethics ~~examination described~~  
31 ~~in Section 4980.399: examination~~. An applicant who is issued a  
32 subsequent associate registration number pursuant to this  
33 subdivision shall not be employed or volunteer in a private practice.

34 (d) ~~This section shall become operative on January 1, 2016.~~

36 SEC. 23. ~~Section 4984.7 of the Business and Professions Code~~  
37 ~~is amended to read:~~

38 ~~4984.7. (a) The board shall assess the following fees relating~~  
39 ~~to the licensure of marriage and family therapists:~~

Page 32 1 (1) ~~The application fee for an associate registration shall be~~  
2 ~~seventy-five dollars (\$75).~~

3 (2) ~~The renewal fee for an associate registration shall be~~  
4 ~~seventy-five dollars (\$75).~~

5 (3) ~~The fee for the application for examination eligibility shall~~  
6 ~~be one hundred dollars (\$100).~~

7 (4) ~~The fee for the clinical examination shall be one hundred~~  
8 ~~dollars (\$100). The fee for the California law and ethics~~  
9 ~~examination shall be one hundred dollars (\$100).~~

10 (A) ~~An applicant who fails to appear for an examination, after~~  
11 ~~having been scheduled to take the examination, shall forfeit the~~  
12 ~~examination fee.~~

13 (B) ~~The amount of the examination fees shall be based on the~~  
14 ~~actual cost to the board of developing, purchasing, and grading~~  
15 ~~each examination and the actual cost to the board of administering~~  
16 ~~each examination. The examination fees shall be adjusted~~  
17 ~~periodically by regulation to reflect the actual costs incurred by~~  
18 ~~the board.~~

19 (5) ~~The fee for rescoring an examination shall be twenty dollars~~  
20 ~~(\$20).~~

21 (6) ~~The fee for issuance of an initial license shall be a maximum~~  
22 ~~of one hundred eighty dollars (\$180).~~

23 (7) ~~The fee for license renewal shall be a maximum of one~~  
24 ~~hundred eighty dollars (\$180).~~

25 (8) ~~The fee for inactive license renewal shall be a maximum of~~  
26 ~~ninety dollars (\$90).~~

Amendment 130

Amendment 131

Amendment 132

Amendment 133

**PROPOSED AMENDMENTS**

AB 93

— 42 —

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 32 27 ~~(9) The renewal delinquency fee shall be a maximum of ninety~~  
28 ~~dollars (\$90). A person who permits his or her license to expire is~~  
29 ~~subject to the delinquency fee.~~  
30 ~~(10) The fee for issuance of a replacement registration, license,~~  
31 ~~or certificate shall be twenty dollars (\$20).~~  
32 ~~(11) The fee for issuance of a certificate or letter of good~~  
33 ~~standing shall be twenty-five dollars (\$25).~~  
34 ~~(12) The fee for issuance of a retired license shall be forty dollars~~  
35 ~~(\$40).~~  
36 ~~(b) With regard to license, examination, and other fees, the~~  
37 ~~board shall establish fee amounts at or below the maximum~~  
38 ~~amounts specified in this chapter.~~  
39 ~~(c) This section shall become operative on January 1, 2016.~~  
+ *SEC. 23. Section 4984.7 of the Business and Professions Code*  
+ *is amended to read:*  
+ 4984.7. (a) The board shall assess the following fees relating  
+ to the licensure of marriage and family therapists:  
+ (1) The application fee for an associate registration shall be  
+ seventy-five dollars (\$75).  
+ (2) The renewal fee for an associate registration shall be  
+ seventy-five dollars (\$75).  
+ (3) The fee for the application for licensure shall be one hundred  
+ dollars (\$100).  
+ (4) The fee for the clinical examination shall be one hundred  
+ dollars (\$100). The fee for the California law and ethics  
+ examination shall be one hundred dollars (\$100).  
+ (A) An applicant who fails to appear for an examination, after  
+ having been scheduled to take the examination, shall forfeit the  
+ examination fee.  
+ (B) The amount of the examination fees shall be based on the  
+ actual cost to the board of developing, purchasing, and grading  
+ each examination and the actual cost to the board of administering  
+ each examination. The examination fees shall be adjusted  
+ periodically by regulation to reflect the actual costs incurred by  
+ the board.  
+ (5) The fee for rescoring an examination shall be twenty dollars  
+ (\$20).  
+ (6) The fee for *the* issuance of an initial license shall be a  
+ maximum of one hundred eighty dollars (\$180).

- + (7) The fee for license renewal shall be a maximum of one hundred eighty dollars (\$180).
- + (8) The fee for inactive license renewal shall be a maximum of ninety dollars (\$90).
- + (9) The renewal delinquency fee shall be a maximum of ninety dollars (\$90). A person who permits his or her license to expire is subject to the delinquency fee.
- + (10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).
- + (11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).
- + (12) The fee for issuance of a retired license shall be forty dollars (\$40).
- + (b) With regard to license, examination, and other fees, the board shall establish *the* fee amounts at or below the maximum amounts specified in this chapter.

Page 33

1 SEC. 24. Section 4992.05 of the Business and Professions  
2 Code is amended to read:

3 ~~4992.05. (a) Effective January 1, 2016, a~~ registrant or an  
4 applicant for licensure as a clinical social worker shall pass the  
5 following two examinations as prescribed by the board:

6 (1) A California law and ethics examination.

7 (2) A clinical examination.

8 (b) Upon registration with the board, an associate clinical social  
9 worker ~~registrant shall,~~ *registrant,* within the first year of  
10 registration, *shall* take an examination on California law and ethics.

11 (c) A registrant or an applicant for licensure may take the clinical  
12 examination only upon meeting all of the following requirements:

14 (1) Completion of all education requirements.

15 (2) Passage of the California law and ethics examination.

16 (3) Completion of all required supervised work experience.

17 ~~(d) This section shall become operative on January 1, 2016.~~

18 SEC. 25. Section 4992.09 of the Business and Professions  
19 Code is amended to read:

20 4992.09. (a) Except as provided in subdivision (a) of Section  
21 4992.07, an applicant and registrant shall obtain a passing score  
22 on a board-administered California law and ethics examination in  
23 order to qualify for licensure.

Amendment 134

Amendments 135 & 136

Amendment 137

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 44 —**

Page 33 24 (b) A registrant shall participate in a board-administered  
25 California law and ethics examination prior to his or her registration  
26 renewal.

27 ~~(e) Notwithstanding subdivision (b), an applicant who holds a~~  
28 ~~registration eligible for renewal, with an expiration date no later~~  
29 ~~than June 30, 2016, and who applies for renewal of that registration~~  
30 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~  
31 ~~allowed to renew the registration without first participating in the~~  
32 ~~California law and ethics examination. These applicants shall~~  
33 ~~participate in the California law and ethics examination in the next~~  
34 ~~renewal cycle, and shall pass the examination prior to licensure or~~  
35 ~~issuance of a subsequent registration number, as specified in this~~  
36 ~~section.~~

37 ~~(d)~~

+ (c) If an applicant fails the California law and ethics  
38 examination, he or she may retake the examination, upon payment  
39 of the required fees, without further application except for as  
40 provided in subdivision (e): (d).

Page 34 1 (e)

+ (d) If a registrant fails to obtain a passing score on the California  
2 law and ethics examination described in subdivision (a) within his  
3 or her renewal period on or after the operative date of this section,  
4 he or she shall complete, at a minimum, a 12-hour course in  
5 California law and ethics in order to be eligible to participate in  
6 the California law and ethics examination. Registrants shall only  
7 take the 12-hour California law and ethics course once during a  
8 renewal period. The 12-hour law and ethics course required by  
9 this section shall be taken through a continuing education provider,  
10 as specified by the board by regulation, a county, state or  
11 governmental entity, or a college or university.

12 (f)

13 (e) The board shall not issue a subsequent registration number  
14 unless the applicant has passed the California law and ethics  
+ examination.

15 ~~(g) Notwithstanding subdivision (f), an applicant who holds or~~  
16 ~~has held a registration, with an expiration date no later than January~~  
17 ~~1, 2017, and who applies for a subsequent registration number~~  
18 ~~between January 1, 2016, and January 1, 2017, shall, if eligible,~~  
19 ~~be allowed to obtain the subsequent registration number without~~  
20 ~~first passing the California law and ethics examination. These~~

**Amendment 138**

**Amendment 139  
Amendment 140**

**Amendment 141**

**Amendment 142**

**Amendment 143**

Page 34 21 ~~applicants shall pass the California law and ethics examination~~  
22 ~~during the next renewal period or prior to licensure, whichever~~  
23 ~~occurs first.~~

24 ~~(h) This section shall become operative on January 1, 2016.~~

26 SEC. 26. Section 4992.3 of the Business and Professions Code  
27 is amended to read:

28 4992.3. The board may deny a license or a registration, or may  
29 suspend or revoke the license or registration of a licensee or  
30 registrant if he or she has been guilty of unprofessional conduct.  
31 Unprofessional conduct includes, but is not limited to, the  
32 following:

33 (a) The conviction of a crime substantially related to the  
34 qualifications, functions, or duties of a licensee or registrant under  
35 this chapter. The record of conviction shall be conclusive evidence  
36 only of the fact that the conviction occurred. The board may inquire  
37 into the circumstances surrounding the commission of the crime  
38 in order to fix the degree of discipline or to determine if the  
39 conviction is substantially related to the qualifications, functions,  
40 or duties of a licensee or registrant under this chapter. A plea or  
Page 35 1 verdict of guilty or a conviction following a plea of nolo contendere  
2 made to a charge substantially related to the qualifications,  
3 functions, or duties of a licensee or registrant under this chapter  
4 is a conviction within the meaning of this section. The board may  
5 order any license or registration suspended or revoked, or may  
6 decline to issue a license or registration when the time for appeal  
7 has elapsed, or the judgment of conviction has been affirmed on  
8 appeal, or, when an order granting probation is made suspending  
9 the imposition of sentence, irrespective of a subsequent order under  
10 Section 1203.4 of the Penal Code allowing the person to withdraw  
11 a plea of guilty and enter a plea of not guilty, or setting aside the  
12 verdict of guilty, or dismissing the accusation, information, or  
13 indictment.

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

19 (c) Administering to himself or herself any controlled substance  
20 or using any of the dangerous drugs specified in Section 4022 or  
21 any alcoholic beverage to the extent, or in a manner, as to be

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 46 —**

Page 35 22 dangerous or injurious to the person applying for a registration or  
23 license or holding a registration or license under this chapter, or  
24 to any other person, or to the public, or, to the extent that the use  
25 impairs the ability of the person applying for or holding a  
26 registration or license to conduct with safety to the public the  
27 practice authorized by the registration or license. The board shall  
28 deny an application for a registration or license or revoke the  
29 license or registration of any person who uses or offers to use drugs  
30 in the course of performing clinical social work. This provision  
31 does not apply to any person also licensed as a physician and  
32 surgeon under Chapter 5 (commencing with Section 2000) or the  
33 Osteopathic Act who lawfully prescribes drugs to a patient under  
34 his or her care.

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

36 (e) An act or omission that falls sufficiently below the standard  
37 of conduct of the profession as to constitute an act of gross  
38 negligence.

39 (f) Violating, attempting to violate, or conspiring to violate this  
40 chapter or any regulation adopted by the board.

Page 36 1 (g) Misrepresentation as to the type or status of a license or  
2 registration held by the person, or otherwise misrepresenting or  
3 permitting misrepresentation of his or her education, professional  
4 qualifications, or professional affiliations to any person or entity.  
5 For purposes of this subdivision, this misrepresentation includes,  
6 but is not limited to, misrepresentation of the person's  
7 qualifications as an adoption service provider pursuant to Section  
8 8502 of the Family Code.

9 (h) Impersonation of another by any licensee, registrant, or  
10 applicant for a license or registration, or, in the case of a licensee,  
11 allowing any other person to use his or her license or registration.

12 (i) Aiding or ~~abetting~~ *abetting*, or employing, directly or  
13 indirectly, any unlicensed or unregistered person to engage in  
14 conduct for which a license or registration is required under this  
+ chapter.

15 (j) Intentionally or recklessly causing physical or emotional  
16 harm to any client.

17 (k) The commission of any dishonest, corrupt, or fraudulent act  
18 substantially related to the qualifications, functions, or duties of a  
19 licensee or registrant.

**Amendment 144**

Page 36 20 (l) Engaging in sexual relations with a client or with a former  
21 client within two years from the termination date of therapy with  
22 the client, soliciting sexual relations with a client, or committing  
23 an act of sexual abuse, or sexual misconduct with a client, or  
24 committing an act punishable as a sexually related crime, if that  
25 act or solicitation is substantially related to the qualifications,  
26 functions, or duties of a clinical social worker.

27 (m) Performing, or holding oneself out as being able to perform,  
28 or offering to perform or permitting, any registered associate,  
29 trainee, or applicant *for licensure* under supervision to perform  
30 any professional services beyond the scope of the license authorized  
31 by this chapter.

32 (n) Failure to maintain confidentiality, except as otherwise  
33 required or permitted by law, of all information that has been  
34 received from a client in confidence during the course of treatment  
35 and all information about the client that is obtained from tests or  
36 other means.

37 (o) Prior to the commencement of treatment, failing to disclose  
38 to the client or prospective client the fee to be charged for the  
39 professional services, or the basis upon which that fee will be  
40 computed.

Page 37 1 (p) Paying, accepting, or soliciting any consideration,  
2 compensation, or remuneration, whether monetary or otherwise,  
3 for the referral of professional clients. All consideration,  
4 compensation, or remuneration shall be in relation to professional  
5 counseling services actually provided by the licensee. Nothing in  
6 this subdivision shall prevent collaboration among two or more  
7 licensees in a case or cases. However, no fee shall be charged for  
8 that collaboration, except when disclosure of the fee has been made  
9 in compliance with subdivision (o).

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

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

Amendment 145

**PROPOSED AMENDMENTS**

**AB 93**

— 48 —

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE**

**Amendment 146**

Page 37 19 (s) Any conduct in the supervision of any registered ~~associate~~  
20 ~~clinical social worker, associate, or trainee by any licensee~~  
+ *associate, trainee, or applicant for licensure by any licensee* that  
21 violates this chapter or any rules or regulations adopted by the  
22 board.

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

28 (u) Permitting an applicant for licensure, trainee, or registrant  
29 under one's supervision or control to perform, or permitting the  
30 supervisee to hold himself or herself out as competent to perform,  
31 ~~professional mental health~~ services beyond the supervisee's level  
32 of education, training, or experience.

33 (v) The violation of any law ~~or regulation~~ governing the gaining  
34 or supervision of experience required by this chapter.

35 (w) Failure to keep records consistent with sound clinical  
36 judgment, the standards of the profession, and the nature of the  
37 services being rendered.

38 (x) Failure to comply with the child abuse reporting  
39 requirements of Section 11166 of the Penal Code.

Page 38 1 (y) Failure to comply with the elder and dependent adult abuse  
2 reporting requirements of Section 15630 of the Welfare and  
3 Institutions Code.

4 (z) Willful violation of Chapter 1 (commencing with Section  
5 123100) of Part 1 of Division 106 of the Health and Safety Code.

6 (aa) Failure to comply with Section 2290.5.

7 (ab) (1) Engaging in an act described in Section 261, 286, 288a,  
8 or 289 of the Penal Code with a minor or an act described in  
9 Section 288 or 288.5 of the Penal Code regardless of whether the  
10 act occurred prior to or after the time the registration or license  
11 was issued by the board. An act described in this subdivision  
12 occurring prior to the effective date of this subdivision shall  
13 constitute unprofessional conduct and shall subject the licensee to  
14 refusal, suspension, or revocation of a license under this section.

15 (2) The Legislature hereby finds and declares that protection of  
16 the public, and in particular minors, from sexual misconduct by a  
17 licensee is a compelling governmental interest, and that the ability  
18 to suspend or revoke a license for sexual conduct with a minor

**Amendment 147**

**Amendment 148**

**Amendment 149**

Page 38 19 occurring prior to the effective date of this section is equally  
20 important to protecting the public as is the ability to refuse a license  
21 for sexual conduct with a minor occurring prior to the effective  
22 date of this section.

23 (ac) Engaging in any conduct that subverts or attempts to subvert  
24 any licensing examination or the administration of the examination  
25 as described in Section 123.

27 ~~SEC. 27. Section 4996.17 of the Business and Professions~~  
28 ~~Code is amended to read:~~

29 ~~4996.17. (a) (1) Experience gained outside of California shall~~  
30 ~~be accepted toward the licensure requirements if it is substantially~~  
31 ~~the equivalent of the requirements of this chapter.~~

32 ~~(2) Commencing January 1, 2014, an applicant with education~~  
33 ~~gained outside of California shall complete an 18-hour course in~~  
34 ~~California law and professional ethics. The content of the course~~  
35 ~~shall include, but not be limited to, the following: advertising,~~  
36 ~~scope of practice, scope of competence, treatment of minors,~~  
37 ~~confidentiality, dangerous patients, psychotherapist-patient~~  
38 ~~privilege, recordkeeping, patient access to records, state and federal~~  
39 ~~laws related to confidentiality of patient health information, dual~~  
40 ~~relationships, child abuse, elder and dependent adult abuse, online~~  
1 ~~therapy, insurance reimbursement, civil liability, disciplinary~~  
2 ~~actions and unprofessional conduct, ethics complaints and ethical~~  
3 ~~standards, termination of therapy, standards of care, relevant family~~  
4 ~~law, therapist disclosures to patients, differences in legal and ethical~~  
5 ~~standards in different types of work settings, and licensing law~~  
6 ~~and process.~~

7 ~~(b) The board may issue a license to any person who, at the time~~  
8 ~~of application, holds a valid active clinical social work license~~  
9 ~~issued by a board of clinical social work examiners or~~  
10 ~~corresponding authority of any state, if the person passes, or has~~  
11 ~~passed, the licensing examinations as specified in Section 4996.1~~  
12 ~~and pays the required fees. Issuance of the license is conditioned~~  
13 ~~upon all of the following:~~

14 ~~(1) The applicant has supervised experience that is substantially~~  
15 ~~the equivalent of that required by this chapter. If the applicant has~~  
16 ~~less than 3,000 hours of qualifying supervised experience, time~~  
17 ~~actively licensed as a clinical social worker shall be accepted at a~~  
18 ~~rate of 100 hours per month up to a maximum of 1,200 hours.~~

Page 39

Amendment 150

**PROPOSED AMENDMENTS**

AB 93

— 50 —

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 39 19 ~~(2) Completion of the following coursework or training in or~~  
20 ~~out of this state:~~  
21 ~~(A) A minimum of seven contact hours of training or coursework~~  
22 ~~in child abuse assessment and reporting as specified in Section 28,~~  
23 ~~and any regulations promulgated thereunder.~~  
24 ~~(B) A minimum of 10 contact hours of training or coursework~~  
25 ~~in human sexuality as specified in Section 25, and any regulations~~  
26 ~~promulgated thereunder.~~  
27 ~~(C) A minimum of 15 contact hours of training or coursework~~  
28 ~~in alcoholism and other chemical substance dependency, as~~  
29 ~~specified by regulation.~~  
30 ~~(D) A minimum of 15 contact hours of coursework or training~~  
31 ~~in spousal or partner abuse assessment, detection, and intervention~~  
32 ~~strategies.~~  
33 ~~(3) Commencing January 1, 2014, completion of an 18-hour~~  
34 ~~course in California law and professional ethics. The content of~~  
35 ~~the course shall include, but not be limited to, the following:~~  
36 ~~advertising, scope of practice, scope of competence, treatment of~~  
37 ~~minors, confidentiality, dangerous patients, psychotherapist-patient~~  
38 ~~privilege, recordkeeping, patient access to records, state and federal~~  
39 ~~laws related to confidentiality of patient health information, dual~~  
40 ~~relationships, child abuse, elder and dependent adult abuse, online~~  
Page 40 1 ~~therapy, insurance reimbursement, civil liability, disciplinary~~  
2 ~~actions and unprofessional conduct, ethics complaints and ethical~~  
3 ~~standards, termination of therapy, standards of care, relevant family~~  
4 ~~law, therapist disclosures to patients, differences in legal and ethical~~  
5 ~~standards in different types of work settings, and licensing law~~  
6 ~~and process.~~  
7 ~~(4) The applicant's license is not suspended, revoked, restricted,~~  
8 ~~sanctioned, or voluntarily surrendered in any state.~~  
9 ~~(5) The applicant is not currently under investigation in any~~  
10 ~~other state, and has not been charged with an offense for any act~~  
11 ~~substantially related to the practice of social work by any public~~  
12 ~~agency, entered into any consent agreement or been subject to an~~  
13 ~~administrative decision that contains conditions placed by an~~  
14 ~~agency upon an applicant's professional conduct or practice,~~  
15 ~~including any voluntary surrender of license, or been the subject~~  
16 ~~of an adverse judgment resulting from the practice of social work~~  
17 ~~that the board determines constitutes evidence of a pattern of~~  
18 ~~incompetence or negligence.~~

Page 40 19 ~~(6) The applicant shall provide a certification from each state~~  
20 ~~where he or she holds a license pertaining to licensure, disciplinary~~  
21 ~~action, and complaints pending.~~

22 ~~(7) The applicant is not subject to denial of licensure under~~  
23 ~~Section 480, 4992.3, 4992.35, or 4992.36.~~

24 ~~(c) The board may issue a license to any person who, at the time~~  
25 ~~of application, holds a valid, active clinical social work license~~  
26 ~~issued by a board of clinical social work examiners or a~~  
27 ~~corresponding authority of any state, if the person has held that~~  
28 ~~license for at least four years immediately preceding the date of~~  
29 ~~application, the person passes, or has passed, the licensing~~  
30 ~~examinations as specified in Section 4996.1, and the person pays~~  
31 ~~the required fees. Issuance of the license is conditioned upon all~~  
32 ~~of the following:~~

33 ~~(1) Completion of the following coursework or training in or~~  
34 ~~out of state:~~

35 ~~(A) A minimum of seven contact hours of training or coursework~~  
36 ~~in child abuse assessment and reporting as specified in Section 28,~~  
37 ~~and any regulations promulgated thereunder.~~

38 ~~(B) A minimum of 10 contact hours of training or coursework~~  
39 ~~in human sexuality as specified in Section 25, and any regulations~~  
40 ~~promulgated thereunder.~~

Page 41 1 ~~(C) A minimum of 15 contact hours of training or coursework~~  
2 ~~in alcoholism and other chemical substance dependency, as~~  
3 ~~specified by regulation.~~

4 ~~(D) A minimum of 15 contact hours of coursework or training~~  
5 ~~in spousal or partner abuse assessment, detection, and intervention~~  
6 ~~strategies.~~

7 ~~(2) Commencing January 1, 2014, completion of an 18-hour~~  
8 ~~course in California law and professional ethics. The content of~~  
9 ~~the course shall include, but not be limited to, the following:~~  
10 ~~advertising, scope of practice, scope of competence, treatment of~~  
11 ~~minors, confidentiality, dangerous patients, psychotherapist-patient~~  
12 ~~privilege, recordkeeping, patient access to records, state and federal~~  
13 ~~laws related to confidentiality of patient health information, dual~~  
14 ~~relationships, child abuse, elder and dependent adult abuse, online~~  
15 ~~therapy, insurance reimbursement, civil liability, disciplinary~~  
16 ~~actions and unprofessional conduct, ethics complaints and ethical~~  
17 ~~standards, termination of therapy, standards of care, relevant family~~  
18 ~~law, therapist disclosures to patients, differences in legal and ethical~~

PROPOSED AMENDMENTS

AB 93

— 52 —

RN 18 02639 08

01/16/18 04:00 PM

SUBSTANTIVE

Page 41 19 standards in different types of work settings, and licensing law  
20 and process.

21 ~~(3) The applicant has been licensed as a clinical social worker~~  
22 ~~continuously for a minimum of four years prior to the date of~~  
23 ~~application.~~

24 ~~(4) The applicant's license is not suspended, revoked, restricted,~~  
25 ~~sanctioned, or voluntarily surrendered in any state.~~

26 ~~(5) The applicant is not currently under investigation in any~~  
27 ~~other state, and has not been charged with an offense for any act~~  
28 ~~substantially related to the practice of social work by any public~~  
29 ~~agency, entered into any consent agreement or been subject to an~~  
30 ~~administrative decision that contains conditions placed by an~~  
31 ~~agency upon an applicant's professional conduct or practice,~~  
32 ~~including any voluntary surrender of license, or been the subject~~  
33 ~~of an adverse judgment resulting from the practice of social work~~  
34 ~~that the board determines constitutes evidence of a pattern of~~  
35 ~~incompetence or negligence.~~

36 ~~(6) The applicant provides a certification from each state where~~  
37 ~~he or she holds a license pertaining to licensure, disciplinary action,~~  
38 ~~and complaints pending.~~

39 ~~(7) The applicant is not subject to denial of licensure under~~  
40 ~~Section 480, 4992.3, 4992.35, or 4992.36.~~

Page 42 1 ~~(d) Commencing January 1, 2016, an applicant who obtained~~  
2 ~~his or her license or registration under another jurisdiction may~~  
3 ~~apply for licensure with the board without taking the clinical~~  
4 ~~examination specified in Section 4996.1 if the applicant obtained~~  
5 ~~a passing score on the licensing examination set forth in regulation~~  
6 ~~as accepted by the board.~~

+ *SEC. 27. Section 4996.17 of the Business and Professions Code*  
+ *is amended to read:*

+ 4996.17. (a) (1) Experience gained outside of California shall  
+ be accepted toward the licensure requirements if it is substantially  
+ the equivalent of the requirements of this chapter.

+ (2) ~~Commencing January 1, 2014, an~~ *An* applicant with  
+ education gained outside of California shall complete an 18-hour  
+ course in California law and professional ethics. The content of  
+ the course shall include, but not be limited to, the following:  
+ advertising, scope of practice, scope of competence, treatment of  
+ minors, confidentiality, dangerous patients, psychotherapist-patient  
+ privilege, recordkeeping, patient access to records, state and federal

+ laws related to confidentiality of patient health information, dual  
+ relationships, child abuse, elder and dependent adult abuse, online  
+ therapy, insurance reimbursement, civil liability, disciplinary  
+ actions and unprofessional conduct, ethics complaints and ethical  
+ standards, termination of therapy, standards of care, relevant family  
+ law, therapist disclosures to patients, differences in legal and ethical  
+ standards in different types of work settings, and licensing law  
+ and process.

+ (b) The board may issue a license to any person who, at the time  
+ of application, holds a valid clinical social work license issued by  
+ a board of clinical social work examiners or corresponding  
+ authority of any state, if the person passes, or has passed, the  
+ licensing examinations as specified in Section 4996.1 and pays  
+ the required fees. Issuance of the license is conditioned upon all  
+ of the following:

+ (1) The applicant has supervised experience that is substantially  
+ the equivalent of that required by this chapter. If the applicant has  
+ less than 3,200 hours of qualifying supervised experience, time  
+ actively licensed as a clinical social worker shall be accepted at a  
+ rate of 100 hours per month up to a maximum of 1,200 hours.

+ (2) Completion of the following coursework or training in or  
+ out of this state:

+ (A) A minimum of seven contact hours of training or coursework  
+ in child abuse assessment and reporting as specified in Section 28,  
+ and any regulations promulgated thereunder.

+ (B) A minimum of 10 contact hours of training or coursework  
+ in human sexuality as specified in Section 25, and any regulations  
+ promulgated thereunder.

+ (C) A minimum of 15 contact hours of training or coursework  
+ in alcoholism and other chemical substance dependency, as  
+ specified by regulation.

+ (D) A minimum of 15 contact hours of coursework or training  
+ in spousal or partner abuse assessment, detection, and intervention  
+ strategies.

+ (3) ~~Commencing January 1, 2014, completion~~ Completion of  
+ an 18-hour course in California law and professional ethics. The  
+ content of the course shall include, but not be limited to, the  
+ following: advertising, scope of practice, scope of competence,  
+ treatment of minors, confidentiality, dangerous patients,  
+ psychotherapist-patient privilege, recordkeeping, patient access

- + to records, state and federal laws related to confidentiality of patient
- + health information, dual relationships, child abuse, elder and
- + dependent adult abuse, online therapy, insurance reimbursement,
- + civil liability, disciplinary actions and unprofessional conduct,
- + ethics complaints and ethical standards, termination of therapy,
- + standards of care, relevant family law, therapist disclosures to
- + patients, differences in legal and ethical standards in different types
- + of work settings, and licensing law and process.
- + (4) The applicant’s license is in good standing and is not
- + suspended, revoked, restricted, sanctioned, or voluntarily
- + surrendered in any state.
- + (5) The applicant is not currently under investigation in any
- + other state, and has not been charged with an offense for any act
- + substantially related to the practice of social work by any public
- + agency, entered into any consent agreement or been subject to an
- + administrative decision that contains conditions placed by an
- + agency upon an applicant’s professional conduct or practice,
- + including any voluntary surrender of license, or been the subject
- + of an adverse judgment resulting from the practice of social work
- + that the board determines constitutes evidence of a pattern of
- + incompetence or negligence.
- + (6) The applicant shall provide a certification from each state
- + where he or she holds a license pertaining to licensure, disciplinary
- + action, and complaints pending.
- + (7) The applicant is not subject to denial of licensure under
- + Section 480, 4992.3, 4992.35, or 4992.36.
- + (c) The board may issue a license to any person who, at the time
- + of application, holds a valid clinical social work license issued by
- + a board of clinical social work examiners or a corresponding
- + authority of any state, if the person has held that license for at least
- + four years immediately preceding the date of application, the person
- + passes, or has passed, the licensing examinations as specified in
- + Section 4996.1, and the person pays the required fees. Issuance of
- + the license is conditioned upon all of the following:
- + (1) Completion of the following coursework or training in or
- + out of state:
- + (A) A minimum of seven contact hours of training or coursework
- + in child abuse assessment and reporting as specified in Section 28,
- + and any regulations promulgated thereunder.

+ (B) A minimum of 10 contact hours of training or coursework  
+ in human sexuality as specified in Section 25, and any regulations  
+ promulgated thereunder.

+ (C) A minimum of 15 contact hours of training or coursework  
+ in alcoholism and other chemical substance dependency, as  
+ specified by regulation.

+ (D) A minimum of 15 contact hours of coursework or training  
+ in spousal or partner abuse assessment, detection, and intervention  
+ strategies.

+ (2) ~~Commencing January 1, 2014, completion~~ *Completion* of  
+ an 18-hour course in California law and professional ethics. The  
+ content of the course shall include, but not be limited to, the  
+ following: advertising, scope of practice, scope of competence,  
+ treatment of minors, confidentiality, dangerous patients,  
+ psychotherapist-patient privilege, recordkeeping, patient access  
+ to records, state and federal laws related to confidentiality of patient  
+ health information, dual relationships, child abuse, elder and  
+ dependent adult abuse, online therapy, insurance reimbursement,  
+ civil liability, disciplinary actions and unprofessional conduct,  
+ ethics complaints and ethical standards, termination of therapy,  
+ standards of care, relevant family law, therapist disclosures to  
+ patients, differences in legal and ethical standards in different types  
+ of work settings, and licensing law and process.

+ (3) The applicant has been licensed as a clinical social worker  
+ continuously for a minimum of four years prior to the date of  
+ application.

+ (4) The applicant's license is in good standing and is not  
+ suspended, revoked, restricted, sanctioned, or voluntarily  
+ surrendered in any state.

+ (5) The applicant is not currently under investigation in any  
+ other state, and has not been charged with an offense for any act  
+ substantially related to the practice of social work by any public  
+ agency, entered into any consent agreement or been subject to an  
+ administrative decision that contains conditions placed by an  
+ agency upon an applicant's professional conduct or practice,  
+ including any voluntary surrender of license, or been the subject  
+ of an adverse judgment resulting from the practice of social work  
+ that the board determines constitutes evidence of a pattern of  
+ incompetence or negligence.

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 56 —**

+ (6) The applicant provides a certification from each state where  
+ he or she holds a license pertaining to licensure, disciplinary action,  
+ and complaints pending.

+ (7) The applicant is not subject to denial of licensure under  
+ Section 480, 4992.3, 4992.35, or 4992.36.

+ (d) An applicant who obtained his or her license or registration  
+ under another jurisdiction may apply for licensure with the board  
+ without taking the clinical examination specified in Section 4996.1  
+ if both of the following conditions are met:

+ (1) The applicant obtained a passing score on the clinical  
+ licensing examination set forth in regulation as accepted by the  
+ board.

+ (2) The applicant’s license or registration in that jurisdiction is  
+ active, in good standing at the time of his or her application, and  
+ is not revoked, suspended, surrendered, denied, or otherwise  
+ restricted or encumbered.

Page 42 8 SEC. 28. Section 4996.18 of the Business and Professions  
9 Code is amended to read:

10 4996.18. (a) ~~A person who wishes to be credited with~~  
11 ~~experience toward licensure requirements shall register with the~~  
12 ~~board as an associate clinical social worker prior to obtaining that~~  
13 ~~experience. The application shall be made on a form prescribed~~  
14 ~~by the board. All applicants shall have an active registration with~~  
+ *the board as an associate clinical social worker in order to gain*  
+ *hours of supervised experience.*

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

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

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

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

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

**Amendment 151**

**Amendment 152**

Page 42 28 (B) The therapeutic, clinical, and practical considerations  
29 involved in the legal and ethical practice of clinical social work,  
30 including, but not limited to, family law.

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

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

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

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

Page 43 1 (G) Licensing law and process.

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

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

25 (e) An applicant for registration or licensure trained in an  
26 educational institution outside the United States shall demonstrate  
27 to the satisfaction of the board that he or she possesses a master's

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 58 —

Page 43 28 of social work degree that is equivalent to a master’s degree issued  
29 from a school or department of social work that is accredited by  
30 the Commission on Accreditation of the Council on Social Work  
31 Education. These applicants shall provide the board with a  
32 comprehensive evaluation of the degree and shall provide any  
33 other documentation the board deems necessary. The board has  
34 the authority to make the final determination as to whether a degree  
35 meets all requirements, including, but not limited to, course  
36 requirements regardless of evaluation or accreditation.

37 (f) All applicants *for licensure* and registrants shall be at all  
38 times under the supervision of a supervisor who shall be  
39 responsible for ensuring that the extent, kind, and quality of  
40 counseling performed is consistent with the training and experience  
Page 44 1 of the person being supervised and who shall be responsible to the  
2 board for compliance with all ~~laws, rules, and regulations~~ laws  
3 governing the practice of clinical social work.

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

9 SEC. 29. Section 4996.20 is added to the Business and  
10 Professions Code, to read:

11 4996.20. (a) “Supervisor,” as used in this chapter, means an  
12 individual who meets the requirements set forth in this chapter and  
13 by regulation. ~~The requirements include, but are not limited to, all~~  
14 ~~of the following:~~ *all of the following requirements:*

15 (1) ~~Has been actively licensed in this state or has held an active~~  
16 ~~equivalent license in any other state as a licensed~~ *held an active*  
+ *license for at least two years within the five-year period*  
+ *immediately preceding any supervision as either:*

17 (A) *A licensed professional clinical counselor, licensed marriage*  
18 *and family therapist, licensed clinical psychologist, psychologist*  
+ *licensed pursuant to Chapter 6.6 (commencing with Section 2900),*  
19 *licensed clinical social worker, or licensed physician worker, or*  
+ *equivalent out-of-state license.*

+ (B) *A physician and surgeon who is certified in psychiatry by*  
20 *the American Board of Psychiatry and Neurology, for at least two*  
21 *years of the past five years immediately prior to commencing any*  
22 *supervision. Neurology or an out-of-state licensed physician and*

Amendment 153

Amendment 154

Amendment 155

Amendment 156

Amendment 157

Amendment 158

Amendment 159

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

Page 44

+ *surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.*

23 (2) ~~Has~~ *For at least two years within the five-year period*  
+ *immediately preceding any supervision, has either practiced*  
24 *psychotherapy or provided direct clinical supervision of*  
+ *psychotherapy performed by associate clinical social workers,*  
25 *associate marriage and family therapists or trainees, or associate*  
26 *professional clinical counselors, who perform psychotherapy, for*  
27 ~~at least two years within the five-year period immediately~~  
28 ~~preceding any supervision.~~ *counselors. Supervision of*  
+ *psychotherapy performed by a social work student enrolled in an*  
29 ~~accredited master's or doctoral program who perform~~  
30 ~~psychotherapy or professional clinical counselor trainees who~~  
+ *perform psychotherapy intern or a professional clinical counselor*  
31 *trainee shall be accepted toward the required two years if the*  
32 *supervision provided to the student is substantially equivalent to*  
33 *the supervision required for registrants.*

34 (3) ~~Has received professional training in supervision as specified~~  
35 ~~in this chapter and by regulation.~~

36 (4) ~~Has not provided therapeutic services to the supervisee.~~

37 (5) ~~Has and maintains a current and active California license~~  
38 ~~that is not under suspension or probation.~~ *license that is not under*  
+ *suspension or probation as one of the following:*

39 (6) ~~Complies with supervision requirements established by this~~  
40 ~~chapter and by board regulations.~~

+ (A) *A marriage and family therapist, professional clinical*  
+ *counselor, or clinical social worker, issued by the board.*

+ (B) *A psychologist licensed pursuant to Chapter 6.6*  
+ *(commencing with Section 2900).*

+ (C) *A physician and surgeon who is certified in psychiatry by*  
+ *the American Board of Psychiatry and Neurology.*

+ (6) *Is not a spouse, domestic partner, or relative of the*  
+ *supervisee.*

+ (7) *Does not currently have or previously had a personal,*  
+ *professional, or business relationship with the supervisee that*  
+ *undermines the authority or effectiveness of the supervision.*

Page 45

1 (b) ~~“Supervision,” for purposes of this chapter, As used in this~~  
2 ~~chapter, the term “supervision” means responsibility for, and~~  
+ ~~control of, the quality of mental health and related services being~~  
3 ~~provided by the supervisee. Consultation or peer discussion shall~~

Amendment 160

Amendment 161

Amendment 162

Amendments 163 & 164

Amendment 165

Amendment 166

Amendment 167

Amendment 168

Amendment 169

Amendment 170

Amendments 171 & 172

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 60 —**

Page 45 4 not be considered supervision and shall not qualify as supervised  
5 experience.  
6 ~~(e) Supervision~~  
7 “Supervision” includes, but is not limited to, all of the following:  
8 (1) Ensuring ~~that~~ the extent, kind, and quality of counseling  
9 performed is consistent with the education, training, and experience  
10 of the supervisee.  
11 (2) Monitoring and evaluating the supervisee’s assessment,  
12 diagnosis, and treatment decisions and providing regular feedback.  
13 (3) Monitoring and evaluating the supervisee’s ability to provide  
14 services ~~to the particular clientele being served at the site or sites~~  
15 ~~where he or she will be practicing. at the site or sites where he or~~  
+ ~~she is practicing and to the particular clientele being served.~~  
16 (4) Monitoring ~~for~~ and addressing clinical dynamics, including,  
17 but not limited to, countertransference-, intrapsychic-,  
18 interpersonal-, or trauma-related issues that may affect the  
19 supervisory or the practitioner-patient relationship.  
20 (5) Ensuring the supervisee’s compliance with laws and  
21 regulations governing the practice of clinical social work.  
22 (6) Reviewing the supervisee’s progress notes, process notes,  
23 and other patient treatment records, as deemed appropriate by the  
24 supervisor.  
25 (7) With the client’s written consent, providing direct  
26 observation or review of audio or video recordings of the  
27 supervisee’s counseling or therapy, as deemed appropriate by the  
28 supervisor.  
30 SEC. 30. Section 4996.21 is added to the Business and  
31 Professions Code, to read:  
32 4996.21. The board ~~shall have the right to~~ *may* audit the records  
33 of any supervisor to verify the completion of the supervisor  
34 qualifications specified by this chapter and by regulation. A  
35 supervisor shall maintain records of completion of the required  
36 supervisor qualifications ~~for a period of~~ seven years after  
37 termination of supervision and shall make these records available  
38 to the board for auditing purposes upon request.

**Amendment 173**

**Amendment 174**

**Amendment 175**

**Amendment 176**

**Amendment 177**

**Amendment 178**

Page 46 2 ~~SEC. 31. Section 4996.23 of the Business and Professions~~  
3 ~~Code is amended to read:~~  
4 4996.23. (a) ~~To qualify for licensure as specified in Section~~  
5 ~~4996.2, each applicant shall complete 3,000 hours of post-master’s~~  
6 ~~degree supervised experience related to the practice of clinical~~

Page 46 7 social work under a supervisor who meets the qualifications in  
8 Section 4996.20. Experience shall not be gained until the applicant  
9 is actively registered as an associate clinical social worker. The  
10 experience shall comply with the following:

11 (1) ~~At least 1,700 hours shall be gained under the supervision~~  
12 ~~of a licensed clinical social worker. The remaining required~~  
13 ~~supervised experience may be gained under the supervision of a~~  
14 ~~supervisor holding any of the license types listed as acceptable in~~  
15 ~~this chapter.~~

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

19 (3) ~~A maximum of 1,000 hours in client centered advocaey,~~  
20 ~~consultation, evaluation, research, direct supervisor contact, and~~  
21 ~~workshops, seminars, training sessions, or conferences directly~~  
22 ~~related to clinical social work that have been approved by the~~  
23 ~~applicant's supervisor.~~

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

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

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

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

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

Page 47 1 (c) ~~The six hours of supervision that may be credited during~~  
2 ~~any single week pursuant to paragraph (7) of subdivision (a) shall~~  
3 ~~apply only to supervision hours gained on or after January 1, 2010.~~  
+ SEC. 31. *Section 4996.23 of the Business and Professions Code*  
+ *is amended to read:*

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 62 —

+ 4996.23. (a) To qualify for licensure as specified in Section  
+ ~~4996.2~~, licensure, each applicant shall complete ~~3,200~~ 3,000 hours  
+ of post-master's degree supervised experience related to the  
+ practice of clinical social work. *Experience shall not be gained*  
+ *until the applicant is registered as an associate clinical social*  
+ *worker. The experience shall comply with the following: be as*  
+ *follows:*

+ (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.~~ *physician and*  
+ *surgeon who is certified in psychiatry by the American Board of*  
+ *Psychiatry and Neurology, licensed professional clinical counselor,*  
+ *licensed marriage and family therapist, psychologist licensed*  
+ *pursuant to Chapter 6.6 (commencing with Section 2900), or*  
+ *licensed clinical social worker.*

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

+ (3) A maximum of ~~1,200~~ 1,000 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)  
+ (4) 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.~~ *received by*  
+ *the board.*

+ (6) ~~Experience shall not be credited for more~~  
+ (5) *No more than 40 hours of experience may be credited in any*  
+ ~~week.~~ *seven consecutive days.*

- + ~~(6) For hours gained on or after January 1, 2010, no more than~~
- + ~~six hours of supervision, whether individual, triadic, or group~~
- + ~~supervision, shall be credited during any single week.~~
- + ~~(b) An individual who submits an application for examination~~
- + ~~eligibility licensure between January 1, 2016, and December 31,~~
- + ~~2020, may alternatively qualify under the experience requirements~~
- + ~~of this section 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.~~

# PROPOSED AMENDMENTS

AB 93

— 64 —

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

+ ~~(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.~~

+ ~~(c) 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) Associates shall not be employed as independent contractors,~~  
+ ~~and shall not gain experience for work performed as an independent~~  
+ ~~contractor, reported on an IRS Form 1099, or both.~~

+ ~~(k) 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.~~

98

- + ~~(f) 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.~~
- + ~~(m) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.~~
- + ~~(n) 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.~~
- + ~~(o) 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.~~
- + ~~(p) 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.~~

Page 47

5 SEC. 32. Section 4996.23.1 is added to the Business and  
6 Professions Code, to read:

7 4996.23.1. (a) *For Except for experience gained by attending  
+ workshops, seminars, training sessions, or conferences, as  
+ described in paragraph (3) of subdivision (a) of Section 4996.23,  
+ direct supervisor contact shall occur as follows:*

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

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

8 *(b) For purposes of this chapter, "one hour of direct supervisor  
+ contact" means any of the following:*

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

Amendment 180

**PROPOSED AMENDMENTS**

**AB 93**

**— 66 —**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 47 11 (2) Triadic supervision, which means one hour of face-to-face  
12 contact between one supervisor and two supervisees.

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

17 ~~(b) Except for experience gained by attending workshops,  
18 seminars, training sessions, or conferences, as described in  
19 paragraph (3) of subdivision (a) of Section 4996.23, supervision  
20 shall include at least one hour of direct supervisor contact in each  
21 week for which experience is credited in each work setting. An  
22 associate clinical social worker gaining experience shall receive  
23 at least one additional hour of direct supervisor contact in every  
24 week in which more than 10 hours of face-to-face psychotherapy  
25 is performed in each setting.~~

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

28 (d) Of the 104 weeks of required supervision, 52 weeks shall  
29 be individual supervision, triadic supervision, or a combination of  
30 both.

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

34 ~~(f) When conducting group supervision, the supervisor shall  
35 ensure that the amount and degree of supervision is appropriate  
36 for each supervisee.~~

37 ~~(g)~~  
+ ~~(f)~~ Notwithstanding subdivision ~~(a)~~, ~~(b)~~, an associate clinical  
38 social worker working ~~for~~ *in* a governmental entity, a school, a  
39 college, a university, or an institution that is ~~both~~ nonprofit and  
40 charitable may obtain the required weekly direct supervisor contact

Page 48 1 via two-way, real-time videoconferencing. The supervisor shall  
2 be responsible for ensuring compliance with state and federal ~~law~~  
3 *laws* relating to confidentiality of patient health information.

4 ~~(h)~~  
+ ~~(g)~~ Notwithstanding any other law, once the required number  
5 of experience hours are gained, an associate clinical social worker  
6 or applicant for licensure shall receive a minimum of one hour of  
7 direct supervisor contact per week for each *practice* setting in

**Amendment 181**

**Amendment 182**

**Amendment 183**

**Amendment 184**

**Amdts 185, 186, 187 & 188  
Amendment 189**

**Amendment 190**

**Amendment 191**

**Amendment 192**

Page 48 8 which direct clinical counseling is performed. Once the required  
9 number of experience hours are gained, further supervision for  
10 nonclinical practice, as ~~defined~~ *described* in paragraph (3) of  
11 subdivision (a) of Section 4996.23, shall be at the supervisor's  
+ discretion.

Amendment 193

13 SEC. 33. Section 4996.23.2 is added to the Business and  
14 Professions Code, to read:

Amendment 194  
Amendments 195 & 196

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

Amendment 197

Amendment 198

Amendment 199

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

Amendment 200

Amendment 201

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

Amendment 202

Amendment 203

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

Amendment 204

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

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

**PROPOSED AMENDMENTS**

AB 93

— 68 —

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 48 39 (1) Lawfully and regularly provides clinical social work, mental  
40 health counseling, or psychotherapy.

Page 49 1 (2) Provides oversight to ensure that the associate’s work at the  
2 setting meets the experience and supervision requirements set forth  
3 in this chapter and is within the scope of practice for the profession  
4 as defined in Section 4996.9.

5 ~~(e) While an associate clinical social worker may be either a  
6 paid employee or a volunteer, employers are encouraged to provide  
7 fair remuneration.~~

8 ~~(f)~~

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

11 ~~(g)~~

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

19 ~~(h) An associate or applicant shall not do any of the following:~~

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

22 ~~(2) Have any proprietary interest in his or her employer’s  
23 business.~~

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

27 ~~(i)~~

+ (g) An associate clinical social worker or applicant for licensure  
28 who provides voluntary services in any lawful work setting other  
29 than a private practice and who only receives reimbursement for  
30 expenses actually incurred shall be considered an ~~employee and  
31 not an independent contractor.~~ *employee*. The board may audit an  
32 applicant for licensure who receives reimbursement for expenses  
33 and the applicant shall have the burden of demonstrating that the  
34 payments received were for reimbursement of expenses actually  
+ incurred.

**Amendment 205**

**Amendment 206**

**Amendment 207**

**Amendment 208**

Page 49 35 (j)  
 + (h) An associate clinical social worker or applicant for licensure  
 36 who receives a stipend or educational loan repayment from a  
 37 program designed to encourage demographically underrepresented  
 38 groups to enter the profession or to improve recruitment and  
 39 retention in underserved regions or settings shall be considered an  
 40 ~~employee and not an independent contractor.~~ *employee*. The board  
 Page 50 1 may audit an applicant who receives a stipend or educational loan  
 2 repayment and the applicant shall have the burden of demonstrating  
 3 that the payments received were for the specified purposes.

Amendment 210

+ (i) *An associate or applicant for licensure shall not receive any  
 + remuneration from patients or clients and shall only be paid by  
 + his or her employer, if an employee.*

Amendment 211

+ (j) *An associate or applicant for licensure shall have no  
 + proprietary interest in his or her employer's business and shall  
 + not lease or rent space, pay for furnishings, equipment, or supplies,  
 + or in any other way pay for the obligations of his or her employer.*

+ (k) *Each educational institution preparing applicants pursuant  
 + to this chapter shall consider requiring, and shall encourage, its  
 + students to undergo individual, marital, conjoint, family, or group  
 + counseling or psychotherapy, as appropriate. Each supervisor  
 + shall consider, advise, and encourage his or her supervisees  
 + regarding the advisability of undertaking individual, marital,  
 + conjoint, family, or group counseling or psychotherapy, as  
 + appropriate. Insofar as it is deemed appropriate and is desired by  
 + the applicant, educational institutions and supervisors are  
 + encouraged to assist the applicant to locate counseling or  
 + psychotherapy at a reasonable cost.*

5 SEC. 34. Section 4996.23.3 is added to the Business and  
 6 Professions Code, to read:

7 4996.23.3. (a) An associate clinical social worker or an  
 8 applicant for licensure shall only perform *mental health and related*  
 9 ~~services at the place~~ *places* where his or her employer regularly  
 10 conducts business and ~~services, which may include performing~~  
 11 ~~services at other locations, as long as the services are performed~~  
 12 ~~under the direction and control of his or her employer and his or~~  
 13 ~~her supervisor and in compliance with the laws and regulations~~  
 + ~~pertaining to supervision.~~ *services.*

Amendments 212 & 213  
Amendment 214

14 (b) ~~Except for periods of time during a supervisor's vacation or~~  
 15 ~~sick leave, an associate clinical social worker who is employed or~~

Amendment 215

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 70 —

Page 50 16 ~~volunteering in private practice shall be under the direct supervision~~  
17 ~~of a supervisor who is either employed by, and practices at the~~  
18 ~~same site as, the associate's employer or is an owner or shareholder~~  
19 ~~of the private practice.~~

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

20 (c) ~~A licensed professional in private practice who has satisfied~~  
21 ~~the requirements of subdivision (a) of Section 4996.20 may~~  
22 ~~supervise or employ, at any one time, no supervisor at a private~~  
+ ~~practice or a corporation shall not supervise more than a total of~~  
23 ~~three individuals supervisees at any one time. A supervisee may~~  
24 ~~be registered as an associate marriage and family therapist, an~~  
+ ~~associate professional clinical counselor, or an associate clinical~~  
25 ~~social worker in that private practice. worker.~~

26 (d) ~~All of the following limits shall apply to a licensed clinical~~  
27 ~~social worker corporation:~~

28 (1) ~~A licensed clinical social worker corporation may retain, at~~  
29 ~~any one time, no more than a total of three employees, volunteers,~~  
30 ~~or a combination of employees and volunteers, registered as an~~  
31 ~~associate marriage and family therapist, an associate professional~~  
32 ~~clinical counselor, or an associate clinical social worker for each~~  
33 ~~supervising employee or shareholder who has satisfied the~~  
34 ~~requirements of subdivision (a) of Section 4996.20.~~

36 (2) ~~In no event shall any licensed clinical social worker~~  
37 ~~corporation retain, at any one time, more than a total of 15~~  
38 ~~employees, volunteers, or a combination of employees and~~  
39 ~~volunteers, registered as an associate marriage and family therapist,~~  
Page 51 1 ~~an associate professional clinical counselor, or an associate clinical~~  
2 ~~social worker.~~

3 (3) ~~In no event shall any supervisor supervise, at any one time,~~  
4 ~~more than a total of three employees, volunteers, or a combination~~  
5 ~~of employees and volunteers, registered as an associate marriage~~  
6 ~~and family therapist, an associate professional clinical counselor,~~  
7 ~~or an associate clinical social worker. A person who supervises an~~  
8 ~~employee or volunteer registered as an associate marriage and~~

Amendment 216

Amendment 217

Amendment 218

Amendment 219

Page 51 10 ~~family therapist, an associate professional clinical counselor, or~~  
11 ~~an associate clinical social worker shall be employed full time by~~  
12 ~~the licensed clinical social worker corporation and shall be actively~~  
13 ~~engaged in performing professional services at and for the licensed~~  
14 ~~clinical social worker corporation.~~

15 ~~(4) Employment and supervision within a licensed clinical social~~  
16 ~~worker corporation shall be subject to all laws and regulations~~  
17 ~~governing experience and supervision gained in a private practice~~  
18 ~~setting.~~

19 ~~(e)~~

+ ~~(d) In a setting that is not a private practice, a written practice:~~

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

23 ~~(f) In any setting that is not a private practice, a~~

24 ~~(2) A supervisor shall evaluate the site or sites where an associate~~  
25 ~~clinical social worker will be gaining hours of experience toward~~  
26 ~~licensure and shall to determine both of the following:~~

27 ~~(1) That that the site provides experience that is within the scope~~  
28 ~~of practice of a clinical social worker.~~

29 ~~(2) That the experience is or sites are in compliance with the~~  
30 ~~requirements set forth in this chapter and regulations.~~

31 ~~(g)~~

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

35 SEC. 35. Section 4996.24 of the Business and Professions  
36 Code is repealed.

38 SEC. 36. Section 4999.12 of the Business and Professions  
39 Code is amended to read:

Page 52 1 4999.12. For purposes of this chapter, the following terms have  
2 the following meanings:

3 (a) "Board" means the Board of Behavioral Sciences.

4 (b) "Accredited" means a school, college, or university  
5 accredited by a regional or national institutional accrediting agency  
6 that is recognized by the United States Department of Education.

7 (c) "Approved" means a school, college, or university that  
8 possessed unconditional approval by the Bureau for Private

Amendment 220

Amendment 221

Amendments 222 & 223  
Amendment 224  
Amendment 225

Amendment 226

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 72 —

Page 52 9 Postsecondary Education at the time of the applicant’s graduation  
10 from the school, college, or university.

11 (d) “Applicant for licensure” means an unlicensed person who  
12 has completed the required education and required hours of  
13 supervised experience for licensure ~~as specified in this chapter.~~  
+ licensure.

Amendment 227

14 (e) “Licensed professional clinical counselor” or “LPCC” means  
15 a person licensed under this chapter to practice professional clinical  
16 counseling, as defined in Section 4999.20.

17 (f) “Associate” means an unlicensed person who meets the  
18 requirements of Section 4999.42 ~~and who meets one of the~~  
19 ~~following:~~ *is registered with the board.*

Amendment 228

20 (1) ~~The individual is registered with the board as an associate.~~

Amendment 229

21 (2) ~~The individual’s degree was awarded and the board receives~~  
22 ~~his or her application for registration with the board as an associate~~  
23 ~~within 90 days of the degree award date.~~

24 (g) “Clinical counselor trainee” means an unlicensed person  
25 who is currently enrolled in a master’s or doctoral degree program,  
26 as specified in Section 4999.32 or 4999.33, ~~as applicable,~~ that is  
27 designed to qualify him or her for licensure ~~under this chapter,~~ and  
28 who has completed no less than 12 semester units or 18 quarter  
29 units of coursework in any qualifying degree program.

Amendment 230

Amendment 231

30 (h) “Supervisor” means an individual who meets all of the  
31 following requirements:

32 (1) ~~Has been actively licensed in this state or has held an active~~  
33 ~~equivalent license in another state as a licensed held an active~~  
+ *license for at least two years within the five year period*  
+ *immediately preceding any supervision as either:*

Amendment 232

34 (A) *A licensed professional clinical counselor, licensed marriage*  
35 *and family therapist, licensed clinical psychologist, psychologist*  
+ *licensed pursuant to Chapter 6.6 (commencing with Section 2900),*  
36 *licensed clinical social worker, or licensed physician and surgeon*  
37 *who is certified in psychiatry by the American Board of Psychiatry*  
38 *and Neurology, for at least two of the past five years immediately*  
+ *prior to commencing any supervision. worker, or equivalent*  
+ *out-of-state license.*

Amendment 233

Amendment 234

+ (B) *A physician and surgeon who is certified in psychiatry by*  
+ *the American Board of Psychiatry and Neurology, or an*  
+ *out-of-state licensed physician and surgeon who is certified in*  
+ *psychiatry by the American Board of Psychiatry and Neurology.*

Page 52 39 (2) The supervisor meets the additional training and education  
 40 requirements in subparagraphs (A) to (C), inclusive, of paragraph  
 Page 53 1 (3) of subdivision (a) of Section 4999.20 if he or she is a licensed  
 2 professional clinical counselor, supervising an associate marriage  
 3 and family therapist, a marriage and family therapist trainee, or  
 4 an associate professional clinical counselor or licensee seeking  
 5 experience to treat couples and families pursuant to subparagraph  
 6 (B) of paragraph (3) of subdivision (a) of Section 4999.20.

+ (2) If the individual is a licensed professional clinical counselor  
 + seeking to supervise an associate marriage and family therapist,  
 + a marriage and family therapist trainee, or an associate  
 + professional clinical counselor or licensee seeking experience to  
 + treat couples and families pursuant to subparagraph (B) of  
 + paragraph (3) of subdivision (a) of Section 4999.20, he or she  
 + shall meet the additional training and education requirements in  
 + subparagraphs (A) to (C), inclusive, of paragraph (3) of  
 + subdivision (a) of Section 4999.20.

7 (3) ~~Has For at least two years within the five-year period~~  
 + immediately preceding any supervision, has either practiced  
 8 psychotherapy or provided direct clinical supervision of  
 + psychotherapy performed by marriage and family therapist trainees,  
 9 associate marriage and family therapists, associate professional  
 10 clinical counselors, or associate clinical social workers, who  
 11 perform psychotherapy, for at least two years within the five-year  
 12 period immediately preceding any supervision. ~~workers.~~  
 13 Supervision of psychotherapy performed by a social work students  
 + enrolled in an accredited master's or doctoral program or  
 14 professional clinical counselor trainees, who perform  
 15 psychotherapy, intern or a professional clinical counselor trainee  
 16 shall be accepted toward the required two years if the supervision  
 17 provided to the students is substantially equivalent to the  
 + supervision required for registrants.

18 (4) Has received professional training in supervision as specified  
 19 in supervision as specified in this chapter and by regulation.

20 (5) Has not provided therapeutic services to the supervisee.

21 (6) Has and maintains a current and active California license  
 22 that is not under suspension or probation. ~~probation as one of the~~  
 + following:

23 (7) ~~Complies with supervision requirements established by this~~  
 24 chapter and by regulation.

Amendment 236

Amendment 237

Amendment 238

Amendment 239

Amendment 240

Amendment 241

Amendment 242

Amendments 243 & 244

Amendment 245

Amendment 246

Amendment 247

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 74 —**

+ (A) *A marriage and family therapist, professional clinical counselor, or clinical social worker, issued by the board.*

+ (B) *A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).*

+ (C) *A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.*

+ (7) *Is not a spouse, domestic partner, or relative of the supervisee.*

+ (8) *Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.*

Page 53 25 (i) "Client centered advocacy" includes, but is not limited to, 26 researching, identifying, and accessing resources, or other activities, 27 related to obtaining or providing services and supports for clients 28 or groups of clients receiving psychotherapy or counseling services.

29 (j) "Advertising" or "advertise" includes, but is not limited to, 30 the issuance of any card, sign, or device to any person, or the 31 causing, permitting, or allowing of any sign or marking on, or in, 32 any building or structure, or in any newspaper or magazine or in 33 any directory, or any printed matter whatsoever, with or without 34 any limiting qualification. It also includes business solicitations 35 communicated by radio or television broadcasting. Signs within 36 church buildings or notices in church bulletins mailed to a 37 congregation shall not be construed as advertising within the 38 meaning of this chapter.

Page 54 39 (k) "Referral" means evaluating and identifying the needs of a 40 client to determine whether it is advisable to refer the client to 1 other specialists, informing the client of that judgment, and 2 communicating that determination as requested or deemed 3 appropriate to referral sources.

4 (l) "Research" means a systematic effort to collect, analyze, and 5 interpret quantitative and qualitative data that describes how social 6 characteristics, behavior, emotion, cognitions, disabilities, mental 7 disorders, and interpersonal transactions among individuals and 8 organizations interact.

9 (m) ~~(1)~~ "Supervision" means responsibility for, and control of, 10 the quality of *mental health and related services* ~~being~~ provided 11 by the supervisee. Consultation or peer discussion shall not be 12 considered supervision and shall not qualify as supervised 13 experience.

**Amendment 248  
Amendments 249 & 250**

**Amendment 251**

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

Page 54 13 ~~(2) Supervision experience. Supervision~~ includes, but is not  
 14 limited to, all of the following:  
 15 ~~(A)~~  
 + (1) Ensuring ~~that~~ the extent, kind, and quality of counseling  
 16 performed is consistent with the education, training, and experience  
 17 of ~~the person being supervised.~~ *supervisee.*  
 18 ~~(B)~~  
 + (2) Monitoring and evaluating *the supervisee's* assessment,  
 19 diagnosis, and treatment decisions ~~of the supervisee~~ and providing  
 20 regular feedback.  
 21 ~~(C)~~  
 + (3) Monitoring and evaluating the supervisee's ability to provide  
 22 services ~~to the particular clientele at the site or sites where he or~~  
 23 ~~she will be practicing.~~ *at the site or sites where he or she is*  
 + *practicing and to the particular clientele being served.*  
 24 ~~(D)~~  
 + (4) Monitoring ~~for~~ and addressing clinical dynamics, including,  
 25 but not limited to, countertransference-, intrapsychic-,  
 26 interpersonal-, or trauma-related issues that may affect the  
 27 supervisory or the practitioner-patient relationship.  
 28 ~~(E)~~  
 + (5) Ensuring the supervisee's compliance with laws and  
 29 regulations governing the practice of licensed professional clinical  
 30 counseling.  
 31 ~~(F)~~  
 + (6) Reviewing the supervisee's progress notes, process notes,  
 32 and other patient treatment records, as deemed appropriate by the  
 33 supervisor.  
 34 ~~(G)~~  
 + (7) With the client's written consent, providing direct  
 35 observation or review of audio or video recordings of the  
 36 supervisee's counseling or therapy, as deemed appropriate by the  
 37 supervisor.  
 38 (n) "Clinical setting" means any setting that meets both of the  
 39 following requirements:

Page 55 1 (1) Lawfully and regularly provides mental health counseling  
 2 or psychotherapy.  
 3 (2) Provides oversight to ensure that the associate's work ~~at the~~  
 4 ~~setting~~ meets the experience and supervision requirements set forth

Amendments 252 & 253

Amendment 254  
Amendments 255 & 256

Amendment 257

Amendment 258

Amendment 259

Amendments 260 & 261

Amendment 262

Amendment 263

Amendment 264

Amendment 265

**PROPOSED AMENDMENTS**

**AB 93**

**— 76 —**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**Amendment 266**

Page 55 5 in this chapter and in regulation and is within the scope of practice  
6 of the profession.  
7 (o) "Community mental health setting," ~~as used in Section~~  
8 ~~4999.46,~~ means a clinical setting that meets all of the following  
9 requirements:  
10 (1) Lawfully and regularly provides mental health counseling  
11 or psychotherapy.  
12 (2) Clients routinely receive psychopharmacological  
13 interventions in conjunction with psychotherapy, counseling, or  
14 other psycho-social interventions.  
15 (3) Clients receive coordinated care that includes the  
16 collaboration of mental health providers.  
17 (4) Is not a private practice.  
19 SEC. 37. Section 4999.34 of the Business and Professions  
20 Code is repealed.  
22 SEC. 38. Section 4999.36 of the Business and Professions  
23 Code is amended to read:  
24 4999.36. (a) A clinical counselor trainee may perform activities  
25 and services provided that the activities and services constitute  
26 part of the clinical counselor trainee's supervised course of study  
27 and that the person is designated by the title "clinical counselor  
28 trainee."  
29 (b) All practicum and field study hours gained as a clinical  
30 counselor trainee shall be coordinated between the school and the  
31 site where hours are being accrued. The school shall approve each  
32 site and shall have a written agreement with each site that details  
33 each party's responsibilities, including the methods by which  
34 supervision shall be provided. The agreement shall provide for  
35 regular progress reports and evaluations of the student's  
36 performance at the site.  
37 (c) If an applicant has gained practicum and field study hours  
38 while enrolled in an institution other than the one that confers the  
39 qualifying degree, it shall be the applicant's responsibility to  
Page 56 1 provide to the board satisfactory evidence that those practicum  
2 and field study hours were gained in compliance with this section.  
3 (d) A clinical counselor trainee shall inform each client or  
4 patient, prior to performing any professional services, that he or  
5 she is unlicensed and under supervision.

Page 56 6 (e) No hours earned while a clinical counselor trainee may count  
7 toward the 3,000 hours of required postdegree supervised  
8 experience.

10 ~~SEC. 39. Section 4999.42 of the Business and Professions~~  
11 ~~Code is amended to read:~~

12 ~~4999.42. (a) To qualify for registration as an associate, an~~  
13 ~~applicant shall have all of the following qualifications:~~

14 (1) ~~The applicant shall have earned a master's or doctoral degree~~  
15 ~~as specified in Section 4999.32 or 4999.33, as applicable. An~~  
16 ~~applicant whose education qualifies him or her under Section~~  
17 ~~4999.32 shall also have completed the coursework or training~~  
18 ~~specified in subdivision (e) of Section 4999.32.~~

19 (2) ~~The applicant shall not have committed acts or crimes~~  
20 ~~constituting grounds for denial of licensure under Section 480.~~

21 (3)  
22 ~~The board shall not issue a registration to any person who has~~  
23 ~~been convicted of a crime in this or another state or in a territory~~  
24 ~~of the United States that involves sexual abuse of children or who~~  
25 ~~is required to register pursuant to Section 290 of the Penal Code~~  
+ ~~or the equivalent in another state or territory.~~

26 (b) ~~The board shall begin accepting applications for associate~~  
27 ~~registration on January 1, 2011.~~

+ ~~SEC. 39. Section 4999.42 of the Business and Professions Code~~  
+ ~~is amended to read:~~

+ ~~4999.42. To qualify for registration as an associate, an applicant~~  
+ (a) ~~An applicant shall have meet all of the following qualifications:~~  
+ ~~qualifications to qualify for registration as an associate:~~

+ (a) ~~The applicant shall have earned~~  
+ (1) ~~Earned a master's or doctoral degree as specified in Section~~  
+ ~~4999.32 or 4999.33, as applicable. An applicant whose education~~  
+ ~~qualifies him or her under Section 4999.32 shall also have~~  
+ ~~completed the coursework or training specified in subdivision (e)~~  
+ ~~of Section 4999.32.~~

+ (2) ~~Be at least 18 years of age.~~

+ (b) ~~The applicant shall not have~~

+ (3) ~~Not have committed acts or crimes constituting grounds for~~  
+ ~~denial of licensure under Section 480.~~

+ (c)

+ (b) ~~The board shall not issue a registration to any person who~~  
+ ~~has been convicted of a crime in this or another state or in a~~

Amendment 267

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 78 —

+ territory of the United States that involves sexual abuse of children  
 + or who is required to register pursuant to Section 290 of the Penal  
 + Code or the equivalent in another state or territory.

Page 56 29 SEC. 40. Section 4999.44 of the Business and Professions  
 30 Code is repealed.  
 32 SEC. 41. Section 4999.45 of the Business and Professions  
 33 Code is repealed.  
 35 SEC. 42. Section 4999.455 of the Business and Professions  
 36 Code is repealed.  
 38 SEC. 43. Section 4999.46 of the Business and Professions  
 39 Code is amended to read:

Page 57 1 4999.46. (a) ~~To qualify for licensure as specified in Section~~  
 2 ~~4999.50, applicants shall complete experience related to the~~  
 3 ~~practice of professional clinical counseling under a supervisor.~~  
 4 ~~The experience shall~~ *Except as provided in subdivision (b), all*  
 + *applicants shall have an active associate registration with the*  
 + *board in order to gain postdegree hours of supervised experience.*  
 + *(b) Applicants completing graduate study prior to January 1,*  
 + *2021, shall be credited with postdegree hours of experience toward*  
 + *licensure if the applicant applies for the associate registration and*  
 + *the board receives the application within 90 days of the granting*  
 + *of the qualifying degree and the applicant is thereafter granted*  
 + *the associate registration by the board. The applicant shall not be*  
 + *employed or volunteer in a private practice until he or she has*  
 + *been issued an associate registration by the board.*  
 + *(c) Supervised experience that is obtained for the purposes of*  
 + *qualifying for licensure shall be related to the practice of*  
 + *professional clinical counseling and comply with the following:*  
 5 (1) A minimum of 3,000 postdegree hours ~~of supervised~~  
 6 ~~experience~~ performed over a period of not less than two years (104  
 7 weeks).  
 8 (2) Not more than 40 hours in any seven consecutive days.  
 9 (3) Not less than 1,750 hours of direct clinical counseling with  
 10 individuals, groups, couples, or families ~~in a setting described in~~  
 11 ~~Section 4999.46.3~~ using a variety of psychotherapeutic techniques  
 12 and recognized counseling ~~interventions within the scope of~~  
 13 ~~practice of licensed professional clinical counselors.~~ *interventions.*  
 14 (4) Not less than 150 hours of clinical experience in a hospital  
 15 or community mental health setting, as defined in Section 4999.12.

Amendment 268

Amendment 269

Amendment 270

Amendment 271

Page 57 16 (5) A maximum of 1,250 hours of nonclinical practice,  
17 consisting of direct supervisor contact, administering and  
18 evaluating psychological tests, writing clinical reports, writing  
19 progress or process notes, client centered advocacy, and workshops,  
20 seminars, training sessions, or conferences directly related to  
21 professional clinical counseling that have been approved by the  
22 applicant’s supervisor.

23 (b)  
+ (d) An individual who submits an application for licensure  
24 between January 1, 2016, and December 31, 2020, may  
25 alternatively qualify under the experience requirements of this  
26 section that were in place on January 1, 2015.

27 ~~(e) No hours of clinical mental health experience may be gained~~  
28 (e) Experience hours shall not have been gained more than six  
29 years prior to the date the application for licensure was received  
+ by the board.

31 SEC. 44. Section 4999.46.1 is added to the Business and  
32 Professions Code, to read:

33 4999.46.1. (a) An associate or applicant for licensure shall be  
34 at all times under the supervision of a supervisor as specified in  
35 this chapter and by regulation: *supervisor at all times.*

36 ~~(b) Except as provided in subdivision (c), an applicant shall~~  
37 ~~have an active associate registration with the board in order to gain~~  
38 ~~postdegree hours of supervised experience.~~

39 ~~(c) Postdegree hours of experience shall be credited toward~~  
40 ~~licensure so long as the applicant applies for associate registration~~  
41 ~~and the board receives the application within 90 days of the~~  
42 ~~granting of the qualifying degree and he or she is thereafter granted~~  
43 ~~registration as an associate by the board. An applicant shall not be~~  
44 ~~employed or volunteer in a private practice until he or she has been~~  
45 ~~issued an associate registration by the board.~~

Page 58 1 (b) As used in this chapter, the term “supervision” means  
2 responsibility for, and control of, the quality of mental health and  
3 related services provided by the supervisee. Consultation or peer  
4 discussion shall not be considered supervision and shall not qualify  
5 as supervised experience. Supervision includes, but is not limited  
+ to, all of the following:

+ (1) Ensuring the extent, kind, and quality of counseling  
+ performed is consistent with the education, training, and experience  
+ of the supervisee.

Amendment 272

Amendment 273

Amendments 274 & 275

Amendment 276

**PROPOSED AMENDMENTS**

AB 93

— 80 —

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE**

- + (2) *Monitoring and evaluating the supervisee’s assessment, diagnosis, and treatment decisions and providing regular feedback.*
- + (3) *Monitoring and evaluating the supervisee’s ability to provide services at the site or sites where he or she is practicing and to the particular clientele being served.*
- + (4) *Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or practitioner-patient relationship.*
- + (5) *Ensuring the supervisee’s compliance with laws and regulations governing the practice of licensed professional clinical counseling.*
- + (6) *Reviewing the supervisee’s progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.*
- + (7) *With the client’s written consent, providing direct observation or review of audio or video recordings of the supervisee’s counseling or therapy, as deemed appropriate by the supervisor.*

Page 58

- 7 ~~(d)~~
- + (c) ~~An associate employed under this chapter shall do all both~~
- 8 ~~of the following:~~
- 9 ~~(1) Not perform any duties, except for those services provided~~
- 10 ~~as a clinical counselor trainee, until registered as an associate.~~
- 11 ~~(2) Not be employed or volunteer in a private practice until~~
- 12 ~~registered as an associate with the board.~~
- 13 ~~(3)~~
- + (1) ~~Inform each client, prior to performing any professional~~
- 14 ~~services, that he or she is unlicensed and under supervision.~~
- 15 ~~(4)~~
- + (2) ~~Renew annually for a maximum of five years after initial~~
- 16 ~~registration with the board. the registration a maximum of five~~
- + ~~times. No registration shall be renewed or reinstated beyond six~~
- + ~~years from the last day of the month during which it was issued,~~
- + ~~regardless of whether it has been revoked.~~
- 17 ~~(e) When no further renewals are possible, an applicant~~
- + (d) ~~When no further renewals are possible, an applicant may~~
- 18 ~~apply for and obtain a subsequent associate registration number if~~
- 19 ~~the applicant meets the educational requirements for registration~~
- 20 ~~in effect at the time of the application for a subsequent associate~~

**Amendments 277, 278 & 279**

**Amendment 280**

**Amendments 281 & 282**

**Amendment 283**

**Amendment 284**

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

Page 58 21 registration number and has passed the California law and ethics  
22 ~~examination described in Section 4999.53.~~ examination. An  
23 applicant issued a subsequent associate registration number  
24 ~~pursuant to this subdivision~~ shall not be employed or volunteer in  
+ a private practice.

Amendment 285  
Amendment 286

26 SEC. 45. Section 4999.46.2 is added to the Business and  
27 Professions Code, to read:

Amendment 287

28 ~~4999.46.2. (a) A clinical counselor trainee shall receive an~~  
29 ~~average of at least one hour of direct supervisor contact for every~~  
30 ~~five hours of direct clinical counseling that is performed in each~~  
31 ~~setting.~~

32 ~~(b) (1) Except for experience gained by attending workshops,~~  
33 ~~seminars, training sessions, or conferences, as described in~~  
34 ~~paragraph (5) of subdivision (a) of Section 4999.46, supervision~~  
+ ~~4999.46.2. (a) Except for experience gained by attending~~  
+ ~~workshops, seminars, training sessions, or conferences, as~~  
+ ~~described in paragraph (5) of subdivision (c) of Section 4999.46,~~  
+ ~~direct supervisor contact shall occur as follows:~~

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

Amendment 288  
Amendments 289 & 290

37 (2) ~~An associate gaining experience shall receive~~ A trainee shall  
38 ~~receive an average of at least one additional hour of direct~~  
39 ~~supervisor contact in each week for which more than 10 hours of~~  
1 ~~direct clinical counseling is performed in each setting. No more~~  
2 ~~than six hours of supervision, whether individual or group, shall~~  
+ ~~be credited during any single week. for every five hours of direct~~  
+ ~~clinical counseling performed each week in each setting. For~~  
+ ~~experience gained after January 1, 2009, no more than six hours~~  
+ ~~of supervision, whether individual, triadic, or group, shall be~~  
+ ~~credited during any single week.~~

Page 59 1 (3) An associate gaining experience who performs more than  
+ 10 hours of direct clinical counseling in a week in any setting shall  
+ receive at least one additional hour of direct supervisor contact  
+ for that setting. For experience gained after January 1, 2009, no  
+ more than six hours of supervision, whether individual supervision,  
+ triadic supervision, or group supervision, shall be credited during  
+ any single week.

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 82 —

Page 59

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

+ (e)

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

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

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

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

7 Segments of group supervision may be split into no less than one continuous hour. *The supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.*

8 + (d)

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

9 (e) ~~An applicant for licensure shall have received at least one hour per week of direct supervisor contact that is individual, triadic, or a combination of both, as specified in paragraphs (1) and (2) of subdivision (c), for a minimum of 52 weeks.~~

10 (f) ~~When conducting group supervision, as specified in paragraph (3) of subdivision (c), the supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.~~

11 + (g)

+ (d) Notwithstanding subdivision (e); (b), an associate working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with state and federal law *federal and state laws* relating to confidentiality of patient health information.

12 (h) ~~The six hours of supervision that may be credited during any single week, pursuant to paragraph (2) of subdivision (b), shall apply to supervision hours gained on or after January 1, 2009.~~

13 + (i)

+ (e) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for

Amendment 291

Amendment 292

Amendment 293

Amendment 294

Amendment 295

Amdts 296, 297, 298 & 299

Amendment 300

Amendment 301

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

Page 59 35 licensure shall receive a minimum of one hour of direct supervisor  
36 contact per week for each *practice* setting in which direct clinical  
37 counseling is performed. Once the required number of experience  
38 hours are gained, further supervision for nonclinical practice, as  
39 defined in paragraph (5) of subdivision ~~(a)~~ (c) of Section 4999.46,  
40 shall be at the supervisor’s discretion.

Amendment 302

Page 60 2 SEC. 46. Section 4999.46.3 is added to the Business and  
3 Professions Code, to read:

Amendment 303

4 4999.46.3. (a) A clinical counselor trainee, associate, or  
5 applicant for licensure shall only perform *mental health and related*  
6 services as an employee or ~~as a volunteer~~ *volunteer, and not as*  
+ *an independent contractor*. The requirements of this chapter  
7 regarding ~~gaining~~ hours of experience and supervision shall apply  
8 equally to employees and volunteers. A clinical counselor trainee,  
9 associate, or applicant for licensure shall not perform any services  
10 or gain any experience within the scope of practice of the  
11 profession, as defined in Section 4999.20, as an independent  
12 contractor. *While an associate may be either a paid employee or*  
+ *a volunteer, employers are encouraged to provide fair*  
+ *remuneration.*

Amendment 304  
Amendment 305

Amendment 306

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

Amendment 307

Amendment 308  
Amendment 309

16 (2) If volunteering, an associate shall provide the ~~board~~ *board,*  
17 *upon application for licensure,* with a letter from his or her  
18 employer verifying the associate’s status as a volunteer during the  
19 dates the experience was gained. ~~This letter shall be provided to~~  
+ ~~the board upon application for licensure.~~

Amendment 310

Amendment 311

20 (b) ~~(1)~~ A clinical counselor trainee shall not perform services  
21 in a private practice.

Amendment 312

24 ~~(2)~~ A clinical counselor trainee shall complete the required  
25 predegree supervised practicum or field study experience in a  
26 setting that meets both of the following:

Amendment 313

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

+ (1) Is not a private practice.

Amendment 314

27 ~~(A)~~

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 84 —

Page 60 + (2) Lawfully and regularly provides mental health counseling  
28 or psychotherapy.  
29 ~~(B)~~

+ (3) Provides oversight to ensure that the clinical counselor  
30 trainee’s work at the setting meets the ~~practicum or field study~~  
31 ~~experience requirements in this chapter and is within the scope of~~  
32 ~~practice for licensed professional clinical counselors: experience~~  
+ ~~and supervision requirements in this chapter and is within the~~  
+ ~~scope of practice of the profession, as defined in Section 4999.20.~~

34 ~~(3)~~

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

37 ~~(e)~~

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

39 (A) Lawfully and regularly provides mental health counseling  
40 or psychotherapy.

Page 61 1 (B) Provides oversight to ensure that the associate’s work at the  
2 setting meets the experience and supervision requirements in this  
3 chapter and is within the scope of practice for the ~~profession~~  
4 ~~profession, as specified in Article 2 (commencing with Section~~  
+ ~~4999.20); defined in Section 4999.20.~~

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

7 ~~(3)~~

+ (2) Only experience gained in the position for which the  
8 associate volunteers or is employed shall qualify as supervised  
9 experience.

10 ~~(4)~~

+ (3) An applicant for registration as an associate shall not be  
11 employed or volunteer in a private practice until ~~an associate~~  
12 ~~registration has been issued to the applicant he or she has been~~  
+ ~~issued an associate registration by the board.~~

13 ~~(d) Experience~~

+ (e) ~~Any experience~~ obtained under the supervision of a ~~spouse~~  
14 ~~or relative by blood or marriage spouse, relative, or domestic~~  
15 ~~partner shall not be credited toward the required hours of~~  
16 ~~supervised experience. Experience~~ Any experience obtained under  
17 the supervision of a supervisor with whom the applicant has had

Amendment 315

Amendment 316

Amendment 317

Amendment 318

Amendment 319

Amendment 320

Amendment 321

Amendment 322

Amendment 323

Amendments 324 & 325

Amendment 326

Page 61 18 or currently has a personal, professional, or business relationship  
19 that undermines the authority or effectiveness of the supervision  
20 shall not be credited toward the required hours of supervised  
+ experience.

21 ~~(e)~~

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

24 ~~(f)~~

+ (g) A clinical counselor trainee, associate, or applicant for  
25 licensure shall have no proprietary interest in his or her employer's  
26 business and shall not lease or rent space, pay for furnishings,  
27 equipment, or supplies, or in any other way pay for the obligations  
28 of his or her employer.

29 ~~(g)~~

+ (h) A clinical counselor trainee, associate, or applicant for  
30 licensure who provides voluntary services in any lawful work  
31 setting other than a private practice and who only receives  
32 reimbursement for expenses actually incurred shall be considered  
33 ~~an employee and not an independent contractor.~~ *employee.* The  
34 board may audit an applicant for licensure who receives  
35 reimbursement for expenses and the applicant for licensure shall  
36 have the burden of demonstrating that the payments received were  
37 for reimbursement of expenses actually incurred.

38 ~~(h)~~

+ (i) A clinical counselor trainee, associate, or applicant for  
39 licensure who receives a stipend or educational loan repayment  
40 from a program designed to encourage demographically  
1 underrepresented groups to enter the profession or to improve  
2 recruitment and retention in underserved regions or settings shall  
3 be considered ~~an employee and not an independent contractor.~~  
4 *employee.* The board may audit an applicant who receives a stipend  
5 or educational loan repayment and the applicant shall have the  
6 burden of demonstrating that the payments ~~received~~ were for the  
7 specified purposes.

Page 62

8 ~~(i)~~

+ (j) Each educational institution preparing applicants pursuant  
9 to this chapter shall consider requiring, and shall encourage, its  
10 students to undergo individual, marital, conjoint, family, or group

Amendment 327

Amendment 328

Amendment 329

Amendment 330

Amendment 331

Amendment 332

Amendment 333

Amendment 334

Amendment 335

**PROPOSED AMENDMENTS**

AB 93

— 86 —

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE**

Page 62 11 counseling or psychotherapy, as appropriate. Each supervisor shall  
12 consider, advise, and encourage his or her associates and trainees  
13 regarding the advisability of undertaking individual, marital,  
14 conjoint, family, or group counseling or psychotherapy, as  
15 appropriate. Insofar as it is deemed appropriate and is desired by  
16 the applicant, educational institutions and supervisors are  
17 encouraged to assist the applicant ~~in locating~~ to locate that  
18 counseling or psychotherapy at a reasonable cost.

**Amendment 336**

20 SEC. 47. Section 4999.46.4 is added to the Business and  
21 Professions Code, to read:

22 4999.46.4. (a) A clinical counselor trainee, associate, or  
23 applicant for licensure shall only perform *mental health and related*  
24 *services at the place* ~~places~~ where his or her employer regularly  
25 conducts business and ~~services, which may include performing~~  
26 ~~services at other locations, as long as the services are performed~~  
27 ~~under the direction and control of his or her employer and his or~~  
28 ~~her supervisor and in compliance with the laws and regulations~~  
+ ~~pertaining to supervision.~~ *services.*

**Amendments 337 & 338  
Amendment 339**

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

**Amendment 340**

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

35 (c) ~~A licensed professional in private practice who has satisfied~~  
36 ~~the requirements of subdivision (h) of Section 4999.12 may~~  
37 ~~supervise or employ, at any one time, no more than a total of three~~  
38 ~~individuals registered as supervisor at a private practice or a~~  
+ ~~corporation shall not supervise more than a total of three~~  
+ ~~supervisees at any one time. A supervisee may be registered as an~~  
39 ~~associate marriage and family therapist, an associate professional~~  
40 ~~clinical counselor, or an associate clinical social worker in that~~  
+ ~~private practice.~~ *worker.*

**Amendment 341**

**Amendment 342**

Page 63

1 ~~(d) All of the following limits shall apply to a professional~~  
2 ~~clinical counselor corporation:~~

3 ~~(1) A professional clinical counselor corporation may retain, at~~  
4 ~~any one time, no more than a total of three employees, volunteers,~~  
5 ~~or a combination of employees and volunteers, registered as an~~  
6 ~~associate marriage and family therapist, an associate professional~~  
7 ~~clinical counselor, or an associate clinical social worker for each~~  
8 ~~supervising employee or shareholder who has satisfied the~~  
9 ~~requirements of subdivision (h) of Section 4999.12.~~

11 ~~(2) In no event shall any professional clinical counselor~~  
12 ~~corporation retain, at any one time, more than a total of 15~~  
13 ~~employees, volunteers, or a combination of employees and~~  
14 ~~volunteers, registered as an associate marriage and family therapist,~~  
15 ~~an associate professional clinical counselor, or an associate clinical~~  
16 ~~social worker.~~

17 ~~(3) In no event shall any supervisor supervise, at any one time,~~  
18 ~~more than a total of three employees, volunteers, or a combination~~  
19 ~~of employees and volunteers, registered as an associate marriage~~  
20 ~~and family therapist, an associate professional clinical counselor,~~  
21 ~~or an associate clinical social worker. A person who supervises an~~  
22 ~~employee or volunteer registered as an associate marriage and~~  
24 ~~family therapist, an associate professional clinical counselor, or~~  
25 ~~an associate clinical social worker shall be employed full time by~~  
26 ~~the professional clinical counselor corporation and shall be actively~~  
27 ~~engaged in performing professional services at and for the~~  
28 ~~professional clinical counselor corporation.~~

29 ~~(4) Employment and supervision within a professional clinical~~  
30 ~~counselor corporation shall be subject to all laws and regulations~~  
31 ~~governing experience and supervision gained in a private practice~~  
32 ~~setting.~~

33 ~~(e)~~  
+ ~~(d) In a setting that is not a private practice, a written practice:~~  
34 ~~(1) A written oversight agreement, as specified in regulation,~~  
35 ~~shall be executed between the supervisor and employer when the~~  
36 ~~supervisor is not employed by the supervisee's employer or is a~~  
+ ~~volunteer.~~

37 ~~(f) In any setting that is not a private practice, a~~  
38 ~~(2) A supervisor shall evaluate the site or sites where an associate~~  
39 ~~will be gaining hours of experience toward licensure and shall to~~  
40 ~~determine both of the following:~~

Amendment 344

Amendment 345  
Amendment 346  
Amendments 347 & 348

PROPOSED AMENDMENTS

AB 93

— 88 —

RN 18 02639 08

01/16/18 04:00 PM

SUBSTANTIVE

Amendment 349

Page 64 1 ~~(1) That that the site or sites provide experience that is within~~  
2 ~~the scope of practice of a professional clinical counselor.~~

3 ~~(2) That the experience is in compliance with the requirements~~  
4 ~~set forth in this chapter and by regulation. chapter.~~

5 ~~(g)~~  
+ (e) Alternative supervision may be arranged during a  
6 supervisor’s vacation or sick leave if the alternative supervision  
7 meets the requirements in this chapter and regulation.

9 SEC. 48. Section 4999.46.5 is added to the Business and  
10 Professions Code, to read:

11 4999.46.5. The board ~~shall have the right to~~ may audit the  
12 records of any supervisor to verify the completion of the supervisor  
13 qualifications specified by this chapter and by regulation. A  
14 supervisor shall maintain records of completion of the required  
15 supervisor qualifications for ~~a period of~~ seven years after  
16 termination of supervision and shall make these records available  
17 to the board for auditing purposes upon request.

19 ~~SEC. 49. Section 4999.47 of the Business and Professions~~  
20 ~~Code is repealed.~~

+ *SEC. 49. Section 4999.47 of the Business and Professions Code*  
+ *is repealed.*

+ 4999.47. (a) Clinical counselor trainees, interns, and applicants  
+ shall perform services only as an employee or as a volunteer.

+ The requirements of this chapter regarding gaining hours of  
+ clinical mental health experience and supervision are applicable  
+ equally to employees and volunteers. Associates and trainees shall  
+ not be employed as independent contractors, and shall not gain  
+ experience for work performed as an independent contractor,  
+ reported on an IRS Form 1099, or both.

+ (1) If employed, a clinical counselor intern shall provide the  
+ board with copies of the corresponding W-2 tax forms for each  
+ year of experience claimed upon application for licensure as a  
+ professional clinical counselor.

+ (2) If volunteering, a clinical counselor intern shall provide the  
+ board with a letter from his or her employer verifying the intern’s  
+ employment as a volunteer upon application for licensure as a  
+ professional clinical counselor.

+ (b) Clinical counselor trainees, interns, and applicants shall not  
+ receive any remuneration from patients or clients, and shall only  
+ be paid by their employers.

Amendment 350  
Amendment 351

Amendment 352

Amendment 353

Amendment 354

+ ~~(c) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.~~

+ ~~(d) Clinical counselor trainees, interns, 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 those clinical counselor trainees, interns, and applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor.~~

+ ~~(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.~~

+ ~~(f) Clinical counselor trainees, interns, 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 supervisor in compliance with the laws and regulations pertaining to supervision. Clinical counselor trainees, interns, and applicants shall have no proprietary interest in the employer's business.~~

+ ~~(g) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and clinical counselor trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.~~

Page 64 21 SEC. 50. Section 4999.50 of the Business and Professions  
22 Code is amended to read:

23 4999.50. (a) The board may issue a professional clinical  
24 counselor license to any person who meets all of the following  
25 requirements:

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 90 —

Page 64 26 (1) He or she has received a master’s or doctoral degree  
27 described in Section 4999.32 or 4999.33, as applicable.

28 (2) He or she has completed at least 3,000 hours of supervised  
29 experience in the practice of professional clinical ~~counseling as~~  
30 ~~provided in Section 4999.46: counseling.~~

31 (3) He or she provides evidence of a passing score, as  
32 determined by the board, on the examinations designated in Section  
33 4999.53.

34 (b) An applicant for licensure who has satisfied the requirements  
35 of this chapter shall be issued a license as a professional clinical  
36 counselor ~~in the form that the board may deem appropriate.~~  
+ ~~counselor.~~

37 ~~(c) This section shall become operative on January 1, 2016.~~

39 SEC. 51. Section 4999.51 of the Business and Professions  
40 Code is amended to read:

Page 65 1 4999.51. ~~To qualify~~ *An applicant* for licensure as a professional  
2 clinical counselor or registration as an ~~associate, applicants shall~~  
3 ~~meet the board’s regulatory requirements for professional clinical~~  
4 ~~counselor licensure or associate registration, as applicable,~~  
5 ~~including the following: associate shall satisfy the following~~  
+ ~~qualifications:~~

6 (a) ~~The applicant has not~~ *Not have* committed acts or crimes  
7 constituting grounds for denial of licensure under Section 480.

8 (b) ~~The board shall not issue a license or registration to any~~  
9 ~~person who has~~ *Not have* been convicted of a crime in this or  
10 another state or in a territory of the United States that involves  
11 sexual abuse of children or who is required to register pursuant to  
12 Section 290 of the Penal Code or the equivalent in another state  
+ or territory.

13 (c) ~~The applicant has~~ *Have* successfully passed a state and  
14 federal level criminal offender record information search conducted  
15 through the Department of Justice, ~~as follows:~~

16 ~~(1) The board shall direct applicants to electronically submit to~~  
17 ~~the Department of Justice~~ *Justice by submitting* fingerprint images  
18 and ~~related other information required by~~ *to* the Department of  
19 Justice for the purpose of obtaining ~~information as to the existence~~  
20 ~~and content of a record of state and federal level convictions and~~  
21 ~~arrests and information as to the existence and content of a record~~  
22 ~~of state or federal level arrests for which the Department of Justice~~  
23 ~~establishes that the person is free on bail or on his or her own~~

Amendment 355

Amendment 356

Amendment 357

Amendment 358

Amendment 359

Amendment 360

Amendment 361

Amendment 362

Amendment 363

Amendment 364

Amendment 365

Amendment 366

Page 65 24 ~~recognizance pending trial or appeal; records of state and federal~~  
+ ~~convictions and arrests. The board shall request the subsequent~~  
+ ~~arrest notification service on all applicants, pursuant to Section~~  
+ ~~11105.2 of the Penal Code.~~

25 ~~(2) The Department of Justice shall forward the fingerprint~~  
26 ~~images and related information received pursuant to paragraph (1)~~  
27 ~~to the Federal Bureau of Investigation and request a federal~~  
28 ~~summary for criminal history information.~~

29 ~~(3) The Department of Justice shall review the information~~  
30 ~~returned from the Federal Bureau of Investigation and compile~~  
31 ~~and disseminate a response to the board pursuant to paragraph (1)~~  
32 ~~of subdivision (p) of Section 11105 of the Penal Code.~~

33 ~~(4) The board shall request from the Department of Justice~~  
34 ~~subsequent arrest notification service, pursuant to Section 11105.2~~  
35 ~~of the Penal Code, for each person who submitted information~~  
36 ~~pursuant to paragraph (1).~~

37 ~~(5) The Department of Justice shall charge a fee sufficient to~~  
38 ~~cover the cost of processing the request described in this section.~~

39 SEC. 52. Section 4999.52 of the Business and Professions  
40 Code is amended to read:

Page 66 1 4999.52. (a) Every applicant for a license as a professional  
2 ~~clinical counselor shall be examined by the board. The board shall~~  
3 ~~examine the candidate with regard to his or her knowledge and~~  
4 ~~professional skills and his or her judgment in the utilization of~~  
5 ~~appropriate techniques and methods. take one or more~~  
+ ~~examinations, as determined by the board, to ascertain his or her~~  
+ ~~knowledge, professional skills, and judgment in the utilization of~~  
+ ~~appropriate techniques and methods of professional clinical~~  
+ ~~counseling.~~

6 (b) The examinations shall be given at least twice a year at a  
7 time and place and under supervision as the board may determine.

8 (c) The board shall not deny any applicant *admission to an*  
9 *examination* who has submitted a complete application for  
10 examination admission ~~to the licensure examinations required by~~  
11 ~~this section~~ if the applicant meets the educational and experience  
12 requirements of this ~~chapter~~, *chapter* and has not committed any  
13 acts or engaged in any conduct that would constitute grounds to  
+ deny licensure.

14 (d) The board shall not deny any applicant *admission to the*  
15 *examinations* whose application for licensure is ~~complete admission~~

Amendment 367

Amendment 368

Amendment 369

Amendment 370

Amendment 371

Amendment 372

Amendment 373

PROPOSED AMENDMENTS

AB 93

— 92 —

RN 18 02639 08

01/16/18 04:00 PM

SUBSTANTIVE

Amendments 374 & 375  
Amendments 376, 377 & 378

Page 66 16 ~~to the examinations~~ *complete, as* specified by paragraph (2) of  
17 subdivision (a) of Section 4999.53, nor shall the board postpone  
18 or delay ~~this the examination for any applicant~~ or delay informing  
+ the ~~candidate~~ *applicant* of the *examination results of this*  
19 ~~examination~~; solely upon the receipt by the board of a complaint  
20 alleging acts or conduct that would constitute grounds to deny  
+ licensure.

21 (e) If an applicant for the examination specified by paragraph  
22 (2) of subdivision (a) of Section 4999.53, who has passed the  
23 California law and ethics examination, is the subject of a complaint  
24 or is under board investigation for acts or conduct that, if proven  
25 to be true, would constitute grounds for the board to deny licensure,  
26 the board shall permit the applicant to take this examination, but  
27 may notify the applicant that licensure will not be granted pending  
28 completion of the investigation.

29 (f) Notwithstanding Section 135, the board may deny any  
30 applicant who has previously failed either the California law and  
31 ethics examination, or the examination specified by paragraph (2)  
32 of subdivision (a) of Section 4999.53, permission to retake either  
33 examination pending completion of the investigation of any  
34 complaints against the applicant.

35 (g) Nothing in this section shall prohibit the board from denying  
36 an applicant admission to any examination, withholding the results,  
37 or refusing to issue a license to any applicant when an accusation  
38 or statement of issues has been filed against the applicant pursuant  
39 to Section 11503 or 11504 of the Government Code, respectively,  
Page 67 1 or the application has been denied in accordance with subdivision  
2 (b) of Section 485.

3 (h) Notwithstanding any other provision of law, the board may  
4 destroy all examination materials two years following the date of  
5 an examination.

6 (i) ~~On and after January 1, 2016, If~~ the examination specified  
7 by paragraph (2) of subdivision (a) of Section 4999.53 ~~shall be is~~  
8 ~~not~~ passed within seven years of an applicant for licensure's initial  
9 ~~attempt~~: *attempt, the applicant shall obtain a passing score on the*  
+ *current version of the California law and ethics examination in*  
+ *order to be eligible to retake this examination.*

10 (j) A passing score on the clinical examination shall be accepted  
11 by the board for a period of seven years from the date the  
12 examination was taken.

Amendment 379  
Amendment 380  
  
Amendment 381

Page 67 13 ~~(k) An applicant for licensure shall not be eligible to participate~~  
14 ~~in the examination specified by paragraph (2) of subdivision (a)~~  
15 ~~of Section 4999.53, if he or she fails to obtain a passing score on~~  
16 ~~this examination within seven years from his or her initial attempt.~~  
17 ~~If the applicant for licensure fails to obtain a passing score within~~  
18 ~~seven years of initial attempt, he or she shall obtain a passing score~~  
19 ~~on the current version of the California law and ethics examination~~  
20 ~~in order to be eligible to retake this examination.~~

22 ~~(f) This section shall become operative on January 1, 2016.~~

23 SEC. 53. Section 4999.55 of the Business and Professions  
24 Code is amended to read:

25 4999.55. (a) Each applicant and registrant shall obtain a  
26 passing score on a board-administered California law and ethics  
27 examination in order to qualify for licensure.

28 (b) A registrant shall ~~participate in~~ take a board-administered  
29 California law and ethics examination prior to his or her registration  
30 renewal.

31 ~~(c) Notwithstanding subdivision (b), an applicant who holds a~~  
32 ~~registration eligible for renewal, with an expiration date no later~~  
33 ~~than June 30, 2016, and who applies for renewal of that registration~~  
34 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~  
35 ~~allowed to renew the registration without first participating in the~~  
36 ~~California law and ethics examination. These applicants shall~~  
37 ~~participate in the California law and ethics examination in the next~~  
38 ~~renewal cycle, and shall pass the examination prior to licensure or~~  
39 ~~issuance of a subsequent registration number, as specified in this~~  
40 ~~section.~~

41 ~~(d)~~

Page 68 1 (d)  
+ (c) If an applicant fails the California law and ethics  
2 examination, he or she may retake the examination, upon payment  
3 of the required fees, without further application, except as provided  
4 in subdivision (e): (d).

5 (e)

+ (d) If a registrant fails to obtain a passing score on the California  
6 law and ethics examination described in subdivision (a) within his  
7 or her renewal period on or after the operative date of this section,  
8 he or she shall complete, at minimum, a 12-hour course in  
9 California law and ethics in order to be eligible to participate in  
10 the prior to retaking the board-administered California law and  
11 ethics examination. Registrants shall only take the 12-hour

Amendment 383

Amendment 384

Amendment 385

Amendment 386

Amendment 387

Amendment 388

Amendment 389

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 94 —**

Page 68 12 California law and ethics course once during a renewal period.  
13 The 12-hour law and ethics course required by this section shall  
14 be taken through a continuing education provider as specified by  
15 the board by regulation, a county, state, or governmental entity,  
+ or a college or university.

16 ~~(f)~~

17 (e) The board shall not issue a subsequent registration number  
18 unless the applicant has passed the California law and ethics  
+ examination.

19 ~~(g) Notwithstanding subdivision (f), an applicant who holds or~~  
20 ~~has held a registration, with an expiration date no later than January~~  
21 ~~1, 2017, and who applies for a subsequent registration number~~  
22 ~~between January 1, 2016, and January 1, 2017, shall, if eligible,~~  
23 ~~be allowed to obtain the subsequent registration number without~~  
24 ~~first passing the California law and ethics examination. These~~  
25 ~~applicants shall pass the California law and ethics examination~~  
26 ~~during the next renewal period or prior to licensure, whichever~~  
27 ~~occurs first.~~

28 (h) This section shall become operative January 1, 2016.

30 ~~SEC. 54. Section 4999.62 of the Business and Professions~~  
31 ~~Code is amended to read:~~

32 ~~4999.62. (a) This section applies to persons who apply for~~  
33 ~~examination eligibility or registration on or after January 1, 2016,~~  
34 ~~and who do not hold a license as described in Section 4999.60.~~

35 ~~(b) For purposes of Section 4999.61, education is substantially~~  
36 ~~equivalent if all of the following requirements are met:~~

37 ~~(1) The degree is obtained from an accredited or approved~~  
38 ~~institution, as defined in Section 4999.12, and consists of, at a~~  
39 ~~minimum, the following:~~

Page 69 1 (A) (i) For an applicant who obtained his or her degree within  
2 the timeline prescribed by subdivision (a) of Section 4999.33 the  
3 degree shall contain no less than 60 graduate semester or 90  
4 graduate quarter units of instruction.

5 (ii) Up to 12 semester or 18 quarter units of instruction may be  
6 remediated, if missing from the degree. The remediation may occur  
7 while the applicant is registered as an associate.

8 (B) For an applicant who obtained his or her degree within the  
9 timeline prescribed by subdivision (a) of Section 4999.32 the  
10 degree shall contain no less than 48 graduate semester or 72  
11 graduate quarter units of instruction.

**Amendment 390**

**Amendment 391**

**Amendment 392**

Page 69 12 ~~(C) Six semester or nine quarter units of practicum, including,~~  
13 ~~but not limited to, a minimum of 280 hours of face-to-face~~  
14 ~~supervised clinical experience counseling individuals, families, or~~  
15 ~~groups.~~

16 ~~(D) The required areas of study listed in subparagraphs (A) to~~  
17 ~~(M), inclusive, of paragraph (1) of subdivision (c) of Section~~  
18 ~~4999.33.~~

19 ~~(i) (I) An applicant whose degree is deficient in no more than~~  
20 ~~six of the required areas of study listed in subparagraphs (A) to~~  
21 ~~(M), inclusive, of paragraph (1) of subdivision (c) of Section~~  
22 ~~4999.33 may satisfy those deficiencies by successfully completing~~  
23 ~~graduate level coursework at an accredited or approved institution,~~  
24 ~~as defined in Section 4999.12. Coursework taken to meet any~~  
25 ~~deficiencies shall be the equivalent of three semester units or four~~  
26 ~~and one-half quarter units of study.~~

27 ~~(ii) Notwithstanding subclause (I), no applicant shall be deficient~~  
28 ~~in the required areas of study specified in subparagraph (E) or (G)~~  
29 ~~of paragraph (1) of subdivision (c) of Section 4999.33.~~

30 ~~(iii) An applicant who completed a course in professional~~  
31 ~~orientation, ethics, and law in counseling as required by~~  
32 ~~subparagraph (I) of paragraph (1) of subdivision (c) of Section~~  
33 ~~4999.33 that did not contain instruction in California law and ethics~~  
34 ~~shall complete an 18-hour course in California law and professional~~  
35 ~~ethics that includes, but is not limited to, instruction in advertising,~~  
36 ~~scope of practice, scope of competence, treatment of minors,~~  
37 ~~confidentiality, dangerous clients, psychotherapist-client privilege,~~  
38 ~~recordkeeping, client access to records, state and federal laws~~  
39 ~~relating to confidentiality of patient health information, dual~~  
40 ~~relationships, child abuse, elder and dependent adult abuse, online~~  
Page 70 1 ~~therapy, insurance reimbursement, civil liability, disciplinary~~  
2 ~~actions and unprofessional conduct, ethics complaints and ethical~~  
3 ~~standards, termination of therapy, standards of care, relevant family~~  
4 ~~law, and therapist disclosures to clients. An applicant shall~~  
5 ~~complete this coursework prior to registration as an associate.~~

6 ~~(iii) An applicant who has not completed a course in professional~~  
7 ~~orientation, ethics, and law in counseling as required by~~  
8 ~~subparagraph (I) of paragraph (1) of subdivision (c) of Section~~  
9 ~~4999.33 shall complete this required coursework, including content~~  
10 ~~in California law and ethics. An applicant shall complete this~~  
11 ~~coursework prior to registration as an associate.~~

**PROPOSED AMENDMENTS**

AB 93

— 96 —

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE**

Page 70 12 ~~(2) The applicant completes any units required by subdivision~~  
13 ~~(e) of Section 4999.33 not already completed in his or her education~~  
14 ~~as follows:~~

15 ~~(A) At least 15 semester units or 22.5 quarter units of advanced~~  
16 ~~coursework to develop knowledge of specific treatment issues or~~  
17 ~~special populations. This coursework is in addition to the course~~  
18 ~~requirements described in subparagraph (D) of paragraph (1).~~

19 ~~(B) Coursework shall be from an accredited or approved school,~~  
20 ~~college, or university as defined in Section 4999.12.~~

21 ~~(3) (A) The applicant completes the following coursework not~~  
22 ~~already completed in his or her education:~~

23 ~~(i) A minimum of 10 contact hours of training in human~~  
24 ~~sexuality, as specified in Section 25 and any regulations~~  
25 ~~promulgated thereunder, including the study of the physiological,~~  
26 ~~psychological, and social cultural variables associated with sexual~~  
27 ~~behavior, gender identity, and the assessment and treatment of~~  
28 ~~psychosexual dysfunction.~~

29 ~~(ii) A minimum of 15 contact hours of instruction in spousal or~~  
30 ~~partner abuse assessment, detection, intervention strategies, and~~  
31 ~~same-gender abuse dynamics.~~

32 ~~(iii) A minimum of seven contact hours of training or~~  
33 ~~coursework in child abuse assessment and reporting as specified~~  
34 ~~in Section 28 and any regulations promulgated thereunder.~~

35 ~~(iv) A minimum of 10 contact hours of instruction in aging and~~  
36 ~~long-term care, including biological, social, cognitive, and~~  
37 ~~psychological aspects of aging. This coursework shall include~~  
38 ~~instruction on the assessment and reporting of, as well as treatment~~  
39 ~~related to, elder and dependent adult abuse and neglect.~~

Page 71 1 ~~(B) This coursework may be from an accredited or approved~~  
2 ~~school, college, or university as defined in Section 4999.12, or~~  
3 ~~from a continuing education provider that is acceptable to the board~~  
4 ~~as defined in Section 4999.76. Undergraduate coursework shall~~  
5 ~~not satisfy this requirement.~~

6 ~~(4) The applicant completes the following coursework not~~  
7 ~~already completed in his or her education from an accredited or~~  
8 ~~approved school, college, or university as defined in Section~~  
9 ~~4999.12, or from a continuing education provider that is acceptable~~  
10 ~~to the board as defined in Section 4999.76. Undergraduate~~  
11 ~~coursework shall not satisfy this requirement.~~

Page 71 12 ~~(A) At least three semester units, or 45 hours, of instruction~~  
 13 ~~regarding the principles of mental health recovery-oriented care~~  
 14 ~~and methods of service delivery in recovery-oriented practice~~  
 15 ~~environments, including structured meetings with various~~  
 16 ~~consumers and family members of consumers of mental health~~  
 17 ~~services to enhance understanding of their experiences of mental~~  
 18 ~~illness, treatment, and recovery.~~

19 ~~(B) At least one semester unit, or 15 hours, of instruction that~~  
 20 ~~includes an understanding of various California cultures and the~~  
 21 ~~social and psychological implications of socioeconomic position.~~

22 ~~(5) An applicant may complete any units and course content~~  
 23 ~~requirements required under paragraphs (2), (3), or (4) not already~~  
 24 ~~completed in his or her education while registered with the board~~  
 25 ~~as an associate.~~

27 ~~SEC. 55. Section 4999.63 of the Business and Professions~~  
 28 ~~Code is amended to read:~~

29 ~~4999.63. (a) This section applies to persons who apply for~~  
 30 ~~examination eligibility or registration on or after January 1, 2016,~~  
 31 ~~and who hold a license as described in Section 4999.60.~~

32 ~~(b) For purposes of Section 4999.60, education is substantially~~  
 33 ~~equivalent if all of the following requirements are met:~~

34 ~~(1) The degree is obtained from an accredited or approved~~  
 35 ~~institution, as defined in Section 4999.12, and consists of the~~  
 36 ~~following:~~

37 ~~(A) (i) For an applicant who obtained his or her degree within~~  
 38 ~~the timeline prescribed by subdivision (a) of Section 4999.33 the~~  
 39 ~~degree shall contain no less than 60 graduate semester or 90~~  
 40 ~~graduate quarter units of instruction:~~

Page 72 1 ~~(ii) Up to 12 semester or 18 quarter units of instruction may be~~  
 2 ~~remediated, if missing from the degree. The remediation may occur~~  
 3 ~~while the applicant is registered as an associate.~~

4 ~~(B) For an applicant who obtained his or her degree within the~~  
 5 ~~timeline prescribed by subdivision (a) of Section 4999.32 the~~  
 6 ~~degree shall contain no less than 48 graduate semester or 72~~  
 7 ~~graduate quarter units of instruction.~~

8 ~~(C) Six semester or nine quarter units of practicum, including,~~  
 9 ~~but not limited to, a minimum of 280 hours of face-to-face~~  
 10 ~~supervised clinical experience counseling individuals, families, or~~  
 11 ~~groups.~~

PROPOSED AMENDMENTS

AB 93

— 98 —

RN 18 02639 08

01/16/18 04:00 PM

SUBSTANTIVE

Page 72 12 (i) ~~An applicant who has been licensed for at least two years in~~  
13 ~~clinical practice, as verified by the board, is exempt from this~~  
14 ~~requirement.~~

15 (ii) ~~An out-of-state applicant who has been licensed for less~~  
16 ~~than two years in clinical practice, as verified by the board, who~~  
17 ~~does not meet the practicum requirement, shall remediate the~~  
18 ~~requirement by demonstrating completion of a total of 280 hours~~  
19 ~~of face-to-face supervised clinical experience, as specified in~~  
20 ~~subparagraph (K) of paragraph (3) of subdivision (c) of Section~~  
21 ~~4999.33. Any postdegree hours gained to meet this requirement~~  
22 ~~are in addition to the 3,000 hours of experience required by this~~  
23 ~~chapter, and shall be gained while the applicant is registered with~~  
24 ~~the board as an associate.~~

25 (D) ~~The required areas of study specified in subparagraphs (A)~~  
26 ~~to (M), inclusive, of paragraph (1) of subdivision (c) of Section~~  
27 ~~4999.33.~~

28 (i) (I) ~~An applicant whose degree is deficient in no more than~~  
29 ~~six of the required areas of study specified in subparagraphs (A)~~  
30 ~~to (M), inclusive, of paragraph (1) of subdivision (c) of Section~~  
31 ~~4999.33 may satisfy those deficiencies by successfully completing~~  
32 ~~graduate level coursework at an accredited or approved institution,~~  
33 ~~as defined in Section 4999.12. Coursework taken to meet any~~  
34 ~~deficiencies shall be the equivalent of three semester units or four~~  
35 ~~and one-half quarter units of study.~~

36 (II) ~~Notwithstanding subclause (I), no applicant shall be deficient~~  
37 ~~in the required areas of study specified in subparagraph (E) or (G)~~  
38 ~~of paragraph (1) of subdivision (c) of Section 4999.33.~~

39 (ii) ~~An applicant who completed a course in professional~~  
40 ~~orientation, ethics, and law in counseling as required by~~  
Page 73 1 ~~subparagraph (I) of paragraph (1) of subdivision (c) of Section~~  
2 ~~4999.33 that did not contain instruction in California law and ethics~~  
3 ~~shall complete an 18-hour course in California law and professional~~  
4 ~~ethics that includes, but is not limited to, instruction in advertising,~~  
5 ~~scope of practice, scope of competence, treatment of minors,~~  
6 ~~confidentiality, dangerous clients, psychotherapist-client privilege,~~  
7 ~~recordkeeping, client access to records, state and federal laws~~  
8 ~~relating to confidentiality of patient health information, dual~~  
9 ~~relationships, child abuse, elder and dependent adult abuse, online~~  
10 ~~therapy, insurance reimbursement, civil liability, disciplinary~~  
11 ~~actions and unprofessional conduct, ethics complaints and ethical~~

Page 73 12 standards, termination of therapy, standards of care, relevant family  
13 law, and therapist disclosures to clients. An applicant shall  
14 complete this coursework prior to registration as an associate.

15 (iii) An applicant who has not completed a course in professional  
16 orientation, ethics, and law in counseling as required by  
17 subparagraph (I) of paragraph (1) of subdivision (c) of Section  
18 4999.33 shall complete this required coursework, including content  
19 in California law and ethics. An applicant shall complete this  
20 coursework prior to registration as an associate.

21 (2) The applicant completes any units required under subdivision  
22 (e) of Section 4999.33 not already completed in his or her education  
23 as follows:

24 (A) At least 15 semester units or 22.5 quarter units of advanced  
25 coursework to develop knowledge of specific treatment issues or  
26 special populations. This coursework is in addition to the course  
27 requirements described in subparagraph (D) of paragraph (1).

28 (B) Coursework shall be from an accredited or approved school,  
29 college, or university as defined in Section 4999.12.

30 (3) The applicant completes the following coursework not  
31 already completed in his or her education:

32 (A) A minimum of 10 contact hours of training in human  
33 sexuality, as specified in Section 25 and any regulations  
34 promulgated thereunder, including the study of the physiological,  
35 psychological, and social-cultural variables associated with sexual  
36 behavior, gender identity, and the assessment and treatment of  
37 psychosexual dysfunction.

38 (B) A minimum of 15 contact hours of instruction in spousal  
39 or partner abuse assessment, detection, intervention strategies, and  
40 same-gender abuse dynamics.

Page 74 1 (C) A minimum of seven contact hours of training or coursework  
2 in child abuse assessment and reporting as specified in Section 28  
3 and any regulations promulgated under that section.

4 (D) A minimum of 10 contact hours of instruction in aging and  
5 long-term care, including biological, social, cognitive, and  
6 psychological aspects of aging. This coursework shall include  
7 instruction on the assessment and reporting of, as well as treatment  
8 related to, elder and dependent adult abuse and neglect.

9 (E) This coursework may be from an accredited or approved  
10 school, college, or university as defined in Section 4999.12, or  
11 from a continuing education provider that is acceptable to the board

PROPOSED AMENDMENTS

RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE

AB 93

— 100 —

Page 74 12 ~~as defined in Section 4999.76. Undergraduate coursework shall~~  
13 ~~not satisfy this requirement.~~

14 ~~(4) The applicant completes the following coursework not~~  
15 ~~already completed in his or her education from an accredited or~~  
16 ~~approved school, college, or university as defined in Section~~  
17 ~~4999.12, or from a continuing education provider that is acceptable~~  
18 ~~to the board as defined in Section 4999.76. Undergraduate~~  
19 ~~coursework shall not satisfy this requirement.~~

20 ~~(A) At least three semester units or 45 hours of instruction~~  
21 ~~regarding the principles of mental health recovery-oriented care~~  
22 ~~and methods of service delivery in recovery-oriented practice~~  
23 ~~environments, including structured meetings with various~~  
24 ~~consumers and family members of consumers of mental health~~  
25 ~~services to enhance understanding of their experience of mental~~  
26 ~~illness, treatment, and recovery.~~

27 ~~(B) At least one semester unit or 15 hours of instruction that~~  
28 ~~includes an understanding of various California cultures and the~~  
29 ~~social and psychological implications of socioeconomic position.~~

30 ~~(5) An applicant may complete any units and course content~~  
31 ~~requirements required by subparagraph (D) of paragraph (1) or~~  
32 ~~paragraphs (2), (3), and (4) not already completed in his or her~~  
33 ~~education while registered with the board as an associate, unless~~  
34 ~~otherwise specified.~~

+ *SEC. 54. Section 4999.62 of the Business and Professions Code*  
+ *is amended to read:*

+ 4999.62. (a) This section applies to persons who apply for  
+ licensure or registration ~~on or after January 1, 2016,~~ and who do  
+ not hold a license as described in Section 4999.60.

+ (b) For purposes of Section 4999.61, education is substantially  
+ equivalent if all of the following requirements are met:

+ (1) The degree is obtained from an accredited or approved  
+ institution, as defined in Section 4999.12, and consists of, at a  
+ minimum, the following:

+ (A) (i) For an applicant who obtained his or her degree within  
+ the timeline prescribed by subdivision (a) of Section 4999.33 the  
+ degree shall contain no less than 60 graduate semester ~~units~~ or 90  
+ graduate quarter units of instruction.

+ (ii) Up to 12 semester ~~units~~ or 18 quarter units of instruction  
+ may be remediated, if missing from the degree. The remediation  
+ may occur while the applicant is registered as an associate.

+ (B) For an applicant who obtained his or her degree within the  
+ timeline prescribed by subdivision (a) of Section 4999.32 the  
+ degree shall contain no less than 48 graduate semester-units or 72  
+ graduate quarter units of instruction.

+ (C) Six semester-units or nine quarter units of practicum,  
+ including, but not limited to, a minimum of 280 hours of  
+ face-to-face supervised clinical experience counseling individuals,  
+ families, or groups.

+ (D) The required areas of study listed in subparagraphs (A) to  
+ (M), inclusive, of paragraph (1) of subdivision (c) of Section  
+ 4999.33.

+ (i) (I) An applicant whose degree is deficient in no more than  
+ six of the required areas of study listed in subparagraphs (A) to  
+ (M), inclusive, of paragraph (1) of subdivision (c) of Section  
+ 4999.33 may satisfy those deficiencies by successfully completing  
+ graduate level coursework at an accredited or approved institution,  
+ as defined in Section 4999.12. Coursework taken to meet any  
+ deficiencies shall be the equivalent of three semester units or four  
+ and one-half quarter units of study.

+ (II) Notwithstanding subclause (I), no applicant shall be deficient  
+ in the required areas of study specified in subparagraph (E) or (G)  
+ of paragraph (1) of subdivision (c) of Section 4999.33.

+ (ii) An applicant who completed a course in professional  
+ orientation, ethics, and law in counseling as required by  
+ subparagraph (I) of paragraph (1) of subdivision (c) of Section  
+ 4999.33 that did not contain instruction in California law and ethics  
+ shall complete an 18-hour course in California law and professional  
+ ethics that includes, but is not limited to, instruction in advertising,  
+ scope of practice, scope of competence, treatment of minors,  
+ confidentiality, dangerous clients, psychotherapist-client privilege,  
+ recordkeeping, client access to records, state and federal laws  
+ relating to confidentiality of patient health information, dual  
+ relationships, child abuse, elder and dependent adult abuse, online  
+ therapy, insurance reimbursement, civil liability, disciplinary  
+ actions and unprofessional conduct, ethics complaints and ethical  
+ standards, termination of therapy, standards of care, relevant family  
+ law, and therapist disclosures to clients. An applicant shall  
+ complete this coursework prior to registration as an associate.

+ (iii) An applicant who has not completed a course in professional  
+ orientation, ethics, and law in counseling as required by

- + subparagraph (I) of paragraph (1) of subdivision (c) of Section
- + 4999.33 shall complete this required coursework, including content
- + in California law and ethics. An applicant shall complete this
- + coursework prior to registration as an associate.
- + (2) The applicant completes any units required by subdivision
- + (c) of Section 4999.33 not already completed in his or her education
- + as follows:
- + (A) At least 15 semester units or 22.5 quarter units of advanced
- + coursework to develop knowledge of specific treatment issues or
- + special populations. This coursework is in addition to the course
- + requirements described in subparagraph (D) of paragraph (1).
- + (B) Coursework shall be from an accredited or approved school,
- + college, or university as defined in Section 4999.12.
- + (3) (A) The applicant completes the following coursework not
- + already completed in his or her education:
- + (i) A minimum of 10 contact hours of training in human
- + sexuality, as specified in Section 25 and any regulations
- + promulgated thereunder, including the study of the physiological,
- + psychological, and social cultural variables associated with sexual
- + behavior, gender identity, and the assessment and treatment of
- + psychosexual dysfunction.
- + (ii) A minimum of 15 contact hours of instruction in spousal or
- + partner abuse assessment, detection, intervention strategies, and
- + same-gender abuse dynamics.
- + (iii) A minimum of seven contact hours of training or
- + coursework in child abuse assessment and reporting as specified
- + in Section 28 and any regulations promulgated thereunder.
- + (iv) A minimum of 10 contact hours of instruction in aging and
- + long-term care, including biological, social, cognitive, and
- + psychological aspects of aging. This coursework shall include
- + instruction on the assessment and reporting of, as well as treatment
- + related to, elder and dependent adult abuse and neglect.
- + (B) This coursework may be from an accredited or approved
- + school, college, or university as defined in Section 4999.12, or
- + from a continuing education provider that is ~~acceptable to the board~~
- + ~~as defined~~ *described* in Section 4999.76. Undergraduate
- + coursework shall not satisfy this requirement.
- + (4) The applicant completes the following coursework not
- + already completed in his or her education from an accredited or
- + approved school, college, or university as defined in Section

- + 4999.12, or from a continuing education provider that is acceptable
- + to the board as defined described in Section 4999.76.
- + Undergraduate coursework shall not satisfy this requirement.
- + (A) At least three semester units, or 45 hours, of instruction
- + regarding the principles of mental health recovery-oriented care
- + and methods of service delivery in recovery-oriented practice
- + environments, including structured meetings with various
- + consumers and family members of consumers of mental health
- + services to enhance understanding of their experiences of mental
- + illness, treatment, and recovery.
- + (B) At least one semester unit, or 15 hours, of instruction that
- + includes an understanding of various California cultures and the
- + social and psychological implications of socioeconomic position.
- + (5) An applicant may complete any units and course content
- + requirements required under paragraph (2), (3), or (4) not already
- + completed in his or her education while registered with the board
- + as an associate.
- + *SEC. 55. Section 4999.63 of the Business and Professions Code*
- + *is amended to read:*
- + 4999.63. (a) This section applies to persons who apply for
- + licensure or registration on or after January 1, 2016, and who hold
- + a license as described in Section 4999.60.
- + (b) For purposes of Section 4999.60, education is substantially
- + equivalent if all of the following requirements are met:
- + (1) The degree is obtained from an accredited or approved
- + institution, as defined in Section 4999.12, and consists of the
- + following:
- + (A) (i) For an applicant who obtained his or her degree within
- + the timeline prescribed by subdivision (a) of Section 4999.33 the
- + degree shall contain no less than 60 graduate semester or 90
- + graduate quarter units of instruction.
- + (ii) Up to 12 semester units or 18 quarter units of instruction
- + may be remediated, if missing from the degree. The remediation
- + may occur while the applicant is registered as an associate.
- + (B) For an applicant who obtained his or her degree within the
- + timeline prescribed by subdivision (a) of Section 4999.32 the
- + degree shall contain no less than 48 graduate semester or 72
- + graduate quarter units of instruction.
- + (C) Six semester units or nine quarter units of practicum,
- + including, but not limited to, a minimum of 280 hours of

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 104 —**

- + face-to-face supervised clinical experience counseling individuals,
- + families, or groups.
- + (i) An applicant who has been licensed for at least two years in
- + clinical practice, as verified by the board, is exempt from this
- + requirement.
- + (ii) An out-of-state applicant who has been licensed for less
- + than two years in clinical practice, as verified by the board, who
- + does not meet the practicum requirement, shall remediate the
- + requirement by demonstrating completion of a total of 280 hours
- + of face-to-face supervised clinical experience, as specified in
- + subparagraph (K) of paragraph (3) of subdivision (c) of Section
- + 4999.33. Any postdegree hours gained to meet this requirement
- + are in addition to the 3,000 hours of experience required by this
- + chapter, and shall be gained while the applicant is registered with
- + the board as an associate.
- + (D) The required areas of study specified in subparagraphs (A)
- + to (M), inclusive, of paragraph (1) of subdivision (c) of Section
- + 4999.33.
- + (i) (I) An applicant whose degree is deficient in no more than
- + six of the required areas of study specified in subparagraphs (A)
- + to (M), inclusive, of paragraph (1) of subdivision (c) of Section
- + 4999.33 may satisfy those deficiencies by successfully completing
- + graduate level coursework at an accredited or approved institution,
- + as defined in Section 4999.12. Coursework taken to meet any
- + deficiencies shall be the equivalent of three semester units or four
- + and one-half quarter units of study.
- + (II) Notwithstanding subclause (I), no applicant shall be deficient
- + in the required areas of study specified in ~~subparagraphs~~
- + *subparagraph* (E) or (G) of paragraph (1) of subdivision (c) of
- + Section 4999.33.
- + (ii) An applicant who completed a course in professional
- + orientation, ethics, and law in counseling as required by
- + subparagraph (I) of paragraph (1) of subdivision (c) of Section
- + 4999.33 that did not contain instruction in California law and ethics
- + shall complete an 18-hour course in California law and professional
- + ethics that includes, but is not limited to, instruction in advertising,
- + scope of practice, scope of competence, treatment of minors,
- + confidentiality, dangerous clients, psychotherapist-client privilege,
- + recordkeeping, client access to records, state and federal laws
- + relating to confidentiality of patient health information, dual

- + relationships, child abuse, elder and dependent adult abuse, online
- + therapy, insurance reimbursement, civil liability, disciplinary
- + actions and unprofessional conduct, ethics complaints and ethical
- + standards, termination of therapy, standards of care, relevant family
- + law, and therapist disclosures to clients. An applicant shall
- + complete this coursework prior to registration as an associate.
- + (iii) An applicant who has not completed a course in professional
- + orientation, ethics, and law in counseling as required by
- + subparagraph (I) of paragraph (1) of subdivision (c) of Section
- + 4999.33 shall complete this required coursework, including content
- + in California law and ethics. An applicant shall complete this
- + coursework prior to registration as an associate.
- + (2) The applicant completes any units required under subdivision
- + (c) of Section 4999.33 not already completed in his or her education
- + as follows:
- + (A) At least 15 semester units or 22.5 quarter units of advanced
- + coursework to develop knowledge of specific treatment issues or
- + special populations. This coursework is in addition to the course
- + requirements described in subparagraph (D) of paragraph (1).
- + (B) Coursework shall be from an accredited or approved school,
- + college, or university as defined in Section 4999.12.
- + (3) The applicant completes the following coursework not
- + already completed in his or her education:
- + (A) A minimum of 10 contact hours of training in human
- + sexuality, as specified in Section 25 and any regulations
- + promulgated thereunder, including the study of the physiological,
- + psychological, and social cultural variables associated with sexual
- + behavior, gender identity, and the assessment and treatment of
- + psychosexual dysfunction.
- + (B) A minimum of 15 contact hours of instruction in spousal
- + or partner abuse assessment, detection, intervention strategies, and
- + same-gender abuse dynamics.
- + (C) A minimum of seven contact hours of training or coursework
- + in child abuse assessment and reporting as specified in Section 28
- + and any regulations promulgated under that section.
- + (D) A minimum of 10 contact hours of instruction in aging and
- + long-term care, including biological, social, cognitive, and
- + psychological aspects of aging. This coursework shall include
- + instruction on the assessment and reporting of, as well as treatment
- + related to, elder and dependent adult abuse and neglect.

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 106 —**

+ (E) This coursework may be from an accredited or approved  
+ school, college, or university as defined in Section 4999.12, or  
+ from a continuing education provider ~~that is acceptable to the board~~  
+ ~~as defined~~ *described* in Section 4999.76. Undergraduate  
+ coursework shall not satisfy this requirement.

+ (4) The applicant completes the following coursework not  
+ already completed in his or her education from an accredited or  
+ approved school, college, or university as defined in Section  
+ 4999.12, or from a continuing education provider ~~that is acceptable~~  
+ ~~to the board as defined~~ *described* in Section 4999.76.  
+ Undergraduate coursework shall not satisfy this requirement.

+ (A) At least three semester units or 45 hours of instruction  
+ regarding the principles of mental health recovery-oriented care  
+ and methods of service delivery in recovery-oriented practice  
+ environments, including structured meetings with various  
+ consumers and family members of consumers of mental health  
+ services to enhance understanding of their experience of mental  
+ illness, treatment, and recovery.

+ (B) At least one semester unit or 15 hours of instruction that  
+ includes an understanding of various California cultures and the  
+ social and psychological implications of socioeconomic position.

+ (5) An applicant may complete any units and course content  
+ requirements required by subparagraph (D) of paragraph (1) or  
+ paragraphs (2), (3), and (4) not already completed in his or her  
+ education while registered with the board as an associate, unless  
+ otherwise specified.

Page 74 36 SEC. 56. Section 4999.90 of the Business and Professions  
37 Code is amended to read:

38 4999.90. The board may refuse to issue any registration or  
39 license, or may suspend or revoke the registration or license of  
40 any associate or licensed professional clinical counselor, if the  
Page 75 1 applicant, licensee, or registrant has been guilty of unprofessional  
2 conduct. Unprofessional conduct includes, but is not limited to,  
3 the following:

4 (a) The conviction of a crime substantially related to the  
5 qualifications, functions, or duties of a licensee or registrant under  
6 this chapter. The record of conviction shall be conclusive evidence  
7 only of the fact that the conviction occurred. The board may inquire  
8 into the circumstances surrounding the commission of the crime  
9 in order to fix the degree of discipline or to determine if the

Page 75 10 conviction is substantially related to the qualifications, functions,  
 11 or duties of a licensee or registrant under this chapter. A plea or  
 12 verdict of guilty or a conviction following a plea of nolo contendere  
 13 made to a charge substantially related to the qualifications,  
 14 functions, or duties of a licensee or registrant under this chapter  
 15 shall be deemed to be a conviction within the meaning of this  
 16 section. The board may order any license or registration suspended  
 17 or revoked, or may decline to issue a license or registration when  
 18 the time for appeal has elapsed, or the judgment of conviction has  
 19 been affirmed on appeal, or, when an order granting probation is  
 20 made suspending the imposition of sentence, irrespective of a  
 21 subsequent order under Section 1203.4 of the Penal Code allowing  
 22 the person to withdraw a plea of guilty and enter a plea of not  
 23 guilty, or setting aside the verdict of guilty, or dismissing the  
 24 accusation, information, or indictment.

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

30 (c) Administering to himself or herself any controlled substance  
 31 or using any of the dangerous drugs specified in Section 4022, or  
 32 any alcoholic beverage to the extent, or in a manner, as to be  
 33 dangerous or injurious to the person applying for a registration or  
 34 license or holding a registration or license under this chapter, or  
 35 to any other person, or to the public, or, to the extent that the use  
 36 impairs the ability of the person applying for or holding a  
 37 registration or license to conduct with safety to the public the  
 38 practice authorized by the registration or license. The board shall  
 39 deny an application for a registration or license or revoke the  
 40 license or registration of any person, other than one who is licensed

Page 76 1 as a physician and surgeon, who uses or offers to use drugs in the  
 2 course of performing licensed professional clinical counseling  
 3 services.

4 (d) Gross negligence or incompetence in the performance of  
 5 licensed professional clinical counseling services.

6 (e) Violating, attempting to violate, or conspiring to violate any  
 7 of the provisions of this chapter or any regulation adopted by the  
 8 board.

**PROPOSED AMENDMENTS**

**AB 93**

**— 108 —**

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE**

Page 76 9 (f) Misrepresentation as to the type or status of a license or  
10 registration held by the person, or otherwise misrepresenting or  
11 permitting misrepresentation of his or her education, professional  
12 qualifications, or professional affiliations to any person or entity.

13 (g) Impersonation of another by any licensee, registrant, or  
14 applicant for a license or registration, or, in the case of a licensee  
15 or registrant, allowing any other person to use his or her license  
16 or registration.

17 (h) Aiding or abetting, or employing, directly or indirectly, any  
18 unlicensed or unregistered person to engage in conduct for which  
19 a license or registration is required under this chapter.

20 (i) Intentionally or recklessly causing physical or emotional  
21 harm to any client.

22 (j) The commission of any dishonest, corrupt, or fraudulent act  
23 substantially related to the qualifications, functions, or duties of a  
24 licensee or registrant.

25 (k) Engaging in sexual relations with a client, or a former client  
26 within two years following termination of therapy, soliciting sexual  
27 relations with a client, or committing an act of sexual abuse, or  
28 sexual misconduct with a client, or committing an act punishable  
29 as a sexually related crime, if that act or solicitation is substantially  
30 related to the qualifications, functions, or duties of a licensed  
31 professional clinical counselor.

32 (l) Performing, or holding oneself out as being able to perform,  
33 or offering to perform, or permitting any trainee, applicant, or  
34 registrant under supervision to perform, any professional services  
35 beyond the scope of the license authorized by this chapter.

36 (m) Failure to maintain confidentiality, except as otherwise  
37 required or permitted by law, of all information that has been  
38 received from a client in confidence during the course of treatment  
39 and all information about the client which is obtained from tests  
40 or other means.

Page 77 1 (n) Prior to the commencement of treatment, failing to disclose  
2 to the client or prospective client the fee to be charged for the  
3 professional services, or the basis upon which that fee will be  
4 computed.

5 (o) Paying, accepting, or soliciting any consideration,  
6 compensation, or remuneration, whether monetary or otherwise,  
7 for the referral of professional clients. All consideration,  
8 compensation, or remuneration shall be in relation to professional

Page 77 9 clinical counseling services actually provided by the licensee.  
10 Nothing in this subdivision shall prevent collaboration among two  
11 or more licensees in a case or cases. However, no fee shall be  
12 charged for that collaboration, except when disclosure of the fee  
13 has been made in compliance with subdivision (n).

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

16 (q) Reproduction or description in public, or in any publication  
17 subject to general public distribution, of any psychological test or  
18 other assessment device, the value of which depends in whole or  
19 in part on the naivete of the subject, in ways that might invalidate  
20 the test or device.

21 (r) Any conduct in the supervision of a registered associate,  
23 trainee, or applicant by any licensee that violates this chapter or  
24 any rules or regulations adopted by the board.

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

30 (t) Permitting a trainee, associate, or applicant under one's  
31 supervision or control to perform, or permitting the trainee,  
32 associate, or applicant to hold himself or herself out as competent  
33 to perform, ~~professional~~ *mental health* services beyond the  
34 trainee's, associate's, or applicant's level of education, training,  
35 or experience.

37 (u) The violation of any statute or regulation governing the  
38 gaining and supervision of experience required by this chapter.

Page 78 1 (v) Failure to keep records consistent with sound clinical  
2 judgment, the standards of the profession, and the nature of the  
3 services being rendered.

4 (w) Failure to comply with the child abuse reporting  
5 requirements of Section 11166 of the Penal Code.

6 (x) Failing to comply with the elder and dependent adult abuse  
7 reporting requirements of Section 15630 of the Welfare and  
8 Institutions Code.

9 (y) Repeated acts of negligence.

10 (z) (1) Engaging in an act described in Section 261, 286, 288a,  
11 or 289 of the Penal Code with a minor or an act described in  
12 Section 288 or 288.5 of the Penal Code regardless of whether the

Amendment 393

Amendment 394

**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

**AB 93**

**— 110 —**

Page 78 13 act occurred prior to or after the time the registration or license  
14 was issued by the board. An act described in this subdivision  
15 occurring prior to the effective date of this subdivision shall  
16 constitute unprofessional conduct and shall subject the licensee to  
17 refusal, suspension, or revocation of a license under this section.

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

26 (aa) Engaging in any conduct that subverts or attempts to subvert  
27 any licensing examination or the administration of an examination  
28 as described in Section 123.

29 (ab) Revocation, suspension, or restriction by the board of a  
30 license, certificate, or registration to practice as a professional  
31 clinical counselor, clinical social worker, educational psychologist,  
32 or marriage and family therapist.

33 (ac) Failing to comply with the procedures set forth in Section  
34 2290.5 when delivering health care via telehealth.

35 (ad) Willful violation of Chapter 1 (commencing with Section  
36 123100) of Part 1 of Division 106 of the Health and Safety Code.

37 SEC. 57. Section 124260 of the Health and Safety Code is  
38 amended to read:

39 124260. (a) As used in this section:

Page 79 1 (1) "Mental health treatment or counseling services" means the  
2 provision of outpatient mental health treatment or counseling by  
3 a professional person, as defined in paragraph (2).

4 (2) "Professional person" means any of the following:

5 (A) A person designated as a mental health professional in  
6 Sections 622 to 626, inclusive, of Title 9 of the California Code  
7 of Regulations.

8 (B) A marriage and family therapist, as defined in Chapter 13  
9 (commencing with Section 4980) of Division 2 of the Business  
10 and Professions Code.

11 (C) A licensed educational psychologist, as defined in Chapter  
12 13.5 (commencing with Section 4989.10) of Division 2 of the  
13 Business and Professions Code.

Page 79 14 (D) A credentialed school psychologist, as described in Section  
15 49424 of the Education Code.

16 (E) A clinical psychologist licensed under Chapter 6.6  
17 (commencing with Section 2900) of Division 2 of the Business  
18 and Professions Code.

19 (F) Any of the following persons, while working under the  
20 supervision of a licensed professional specified in Section 2902  
21 of the Business and Professions Code:

22 (i) A registered psychologist, as defined in Section 2909.5 of  
23 the Business and Professions Code.

24 (ii) A registered psychological assistant, as defined in Section  
25 2913 of the Business and Professions Code.

26 (iii) A psychology trainee, as defined in Section 1387 of Title  
27 16 of the California Code of Regulations.

28 (G) A licensed clinical social worker, as defined in Chapter 14  
29 (commencing with Section 4991) of Division 2 of the Business  
30 and Professions Code.

31 (H) An associate clinical social worker, or a social work intern,  
32 as defined in Chapter 14 (commencing with Section 4991) of  
33 Division 2 of the Business and Professions Code, while working  
34 under the supervision of a licensed professional specified in Section  
35 4996.20 of the Business and Professions Code.

37 (I) A person registered as an associate marriage and family  
38 therapist or a marriage and family therapist trainee, as defined in  
39 Chapter 13 (commencing with Section 4980) of Division 2 of the  
40 Business and Professions Code, while working under the  
Page 80 1 supervision of a licensed professional specified in subdivision (g)  
2 of Section 4980.03 of the Business and Professions Code.

3 (J) A board certified, or board eligible, psychiatrist.

4 (K) A licensed professional clinical counselor, as defined in  
5 Chapter 16 (commencing with Section 4999.10) of Division 2 of  
6 the Business and Professions Code.

7 (L) A person registered as an associate ~~profession~~ *professional*  
8 clinical counselor or a clinical counselor trainee, as defined in  
9 Chapter 16 (commencing with Section 4999.10) of Division 2 of  
10 the Business and Professions Code, while working under the  
11 supervision of a licensed professional specified in subdivision (h)  
12 of Section 4999.12 of the Business and Professions Code.

13 (b) (1) Notwithstanding any provision of law to the contrary,  
14 a minor who is 12 years of age or older may consent to mental

| Amendment 395

**PROPOSED AMENDMENTS**

**AB 93**

**— 112 —**

**RN 18 02639 08**

**01/16/18 04:00 PM**

**SUBSTANTIVE**

Page 80 15 health treatment or counseling services if, in the opinion of the  
16 attending professional person, the minor is mature enough to  
17 participate intelligently in the mental health treatment or counseling  
18 services.

19 (2) A marriage and family therapist trainee, a clinical counselor  
20 trainee, a psychology trainee, or a social work intern, as specified  
21 in paragraph (2) of subdivision (a), shall notify his or her supervisor  
22 or, if the supervisor is unavailable, an on-call supervisor at the site  
23 where the trainee or intern volunteers or is employed within 24  
24 hours of treating or counseling a minor pursuant to paragraph (1).  
25 If upon the initial assessment of the minor the trainee or intern  
26 believes that the minor is a danger to self or to others, the trainee  
27 or intern shall notify the supervisor or, if the supervisor is  
28 unavailable, the on-call supervisor immediately after the treatment  
29 or counseling session.

30 (3) Nothing in paragraph (2) is intended to supplant, alter,  
31 expand, or remove any other reporting responsibilities required of  
32 trainees or interns under law.

33 (c) Notwithstanding any provision of law to the contrary, the  
34 mental health treatment or counseling of a minor authorized by  
35 this section shall include involvement of the minor's parent or  
36 guardian, unless the professional person who is treating or  
37 counseling the minor, after consulting with the minor, determines  
38 that the involvement would be inappropriate. The professional  
39 person who is treating or counseling the minor shall state in the  
40 client record whether and when the person attempted to contact

Page 81 1 the minor's parent or guardian, and whether the attempt to contact  
2 was successful or unsuccessful, or the reason why, in the  
3 professional person's opinion, it would be inappropriate to contact  
4 the minor's parent or guardian.

5 (d) The minor's parent or guardian is not liable for payment for  
6 mental health treatment or counseling services provided pursuant  
7 to this section unless the parent or guardian participates in the  
8 mental health treatment or counseling, and then only for services  
9 rendered with the participation of the parent or guardian.

10 (e) This section does not authorize a minor to receive convulsive  
11 treatment or psychosurgery, as defined in subdivisions (f) and (g)  
12 of Section 5325 of the Welfare and Institutions Code, or  
13 psychotropic drugs without the consent of the minor's parent or  
14 guardian.

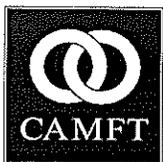
**PROPOSED AMENDMENTS**

**RN 18 02639 08  
01/16/18 04:00 PM  
SUBSTANTIVE**

Page 81 16 SEC. 58. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.

O

***Blank Page***



**CONNECT  
ENRICH  
ACHIEVE**

California Association of Marriage and Family Therapists  
7901 Raytheon Road, San Diego, CA 92111-1606  
Phone: (858) 292-2638 | Fax: (858) 292-2666 | [www.camft.org](http://www.camft.org)

---

January 29, 2018

Christina Wong, LCSW  
Policy and Advocacy Committee, Chair  
Board of Behavioral Sciences  
1625 N Market Blvd S-200  
Sacramento, CA 95834

**RE: AB 93 and the 90 Day Rule**

Dear Chair Wong and Committee Members:

On behalf of the California Association of Marriage and Family Therapists (CAMFT), we ask that the Board of Behavioral Sciences' (BBS) Policy and Advocacy Committee (P&A Committee) reverse their October 2017 decision to remove section 4980.43(h) of the Business and Professions Code from California law, and instead accept the viable alternative that has been put forth by CAMFT and supported by the Senate Business, Professions and Economic Development (Senate BPED) Committee's Chair, Jerry Hill into AB 93 (2017).

Section 4980.43(h) allows aspiring marriage and family therapists (and now professional clinical counselors) to count the clinical hours they've gained from the time of graduation until the time their registration is approved by the BBS ("the 90 day rule"). This law has been in place since the 1980s and to date, there is no known instance of harm to a client by an unsafe therapist as a result of this section.

In spring 2017, the Senate BPED Committee Chair raised concerns that the hours gained after graduation, and prior to registration, were not mandated at a live-scanned facility. Although the concern was not raised due to a specific incident, the Senate BPED Committee indicated that AB 93-2017 (which embodied the BBS's amendments to supervision) would not move forward unless section 4980.43(h) was either removed or a viable alternative was agreed upon.

Accordingly, over the last six months, CAMFT has solicited support and technical assistance from numerous stakeholders, including the BBS and Senate BPED Committee, among others. We have worked closely with the Senate BPED Committee Chair and Consultant to ensure that the language we agreed upon was supported. The following agreed upon language, allows providers to continue seeing their patients while at the same time alleviating the Senate BPED Committee's concerns about live-scan:

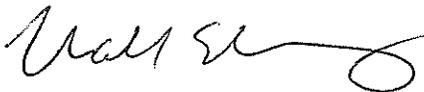
§4980.43 (h) Postdegree (*pre-registration*) hours of experience shall be credited toward licensure ~~so long as if all of the following apply:~~ 1. The *registration* applicant applies for the *associate* registration within 90 days of the granting of the qualifying master's or doctoral degree; 2. *the experience is obtained at a workplace that, prior to the registration applicant gaining direct service/client experience, requires completed Live Scan fingerprinting;* and, 3. the board subsequently grants the *associate* registration and ~~is thereafter granted the intern registration by the board.~~

This above language has now been vetted by numerous stakeholders including schools, agencies, and provider advocacy groups. While most stakeholders would prefer §4980.43 (h) to remain untouched, they concur that mandating live-scanned hours during the graduation to registration timeframe is preferable to losing the ability to gain hours in its entirety. To now remove the 90 day rule, given there is a viable alternative, actually decreases consumer protection—it disrupts continuity of care, increases patient abandonment, and amplifies pre-licensure exploitation for no reasonable or sensible purpose.

While some pre-licensurees may lose their ability to gain hours during the timeframe in question, the alternative above, allows the majority to continue to gain hours and in a manner consistent with consumer protection. As mentioned above, the proposed amendments have been vetted by numerous stakeholders and is supported by the Senate BPED Committee Chair and Consultant.

We thank you for reviewing our request and look forward to discussing it further during the February P&A Committee meeting.

Sincerely,



Nabil El-Ghoroury, Ph.D.  
Executive Director



Cathy Atkins, J.D.  
Deputy Executive Director

Cc: Kim Madsen, Executive Officer  
Rosanne Helms, Legislative Analyst  
Political Solutions



**AMERICAN ASSOCIATION  
FOR MARRIAGE AND FAMILY THERAPY  
CALIFORNIA DIVISION**

---

January 25, 2018

Kim Madsen, Executive Officer  
Christina Wong, Chair  
Rosanne Helms, Policy Analyst  
Board of Behavioral Sciences  
1625 N Market Blvd, #S-200  
Sacramento CA 95834

**Re: AB 93 (Medina) – Proposed amendments**

Dear Ms. Madsen, Ms. Wong, Ms. Helms, and members of the Policy and Advocacy Committee,

The American Association for Marriage and Family Therapy, California Division (AAMFT-CA) has not yet taken a formal position on Assembly Bill 93, which would update the standards for supervision for marriage and family therapists. We are alarmed by amendments proposed at the November 2017 Policy and Advocacy Committee meeting, which we believe would harm client care without achieving any public protection purpose.

The proposed amendments would remove the ability for recent graduates to gain hours of experience toward licensure as they await registration by the board. The so-called “90-day rule” presently holds that so long as an individual applies for Associate registration within 90 days of their degree posting date, and is subsequently granted that registration, then hours of experience they gained between graduation and registration may be counted toward licensure *if* they meet all other requirements for supervised experience.

This has been law for almost 40 years, and to the best of our knowledge and research, has not led to a single instance of harm to a client by an unsafe practitioner.

Removing the 90-day rule, however, would have immediate harmful effects. In practice, the *best* outcome possible would be that therapists in exempt settings continue seeing their clients and simply cannot count hours between graduation and registration, delaying their licensure by 3 to 4 months – again, with no demonstrable public protection gain. More likely is that graduates will stop seeing clients between graduation and licensure – either of their own accord because the hours cannot count toward licensure, or as a restriction imposed by their employer – harming continuity of care. Neither of these outcomes is acceptable when no demonstrable public protection aim is to be achieved.

*(continued)*



## AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY CALIFORNIA DIVISION

---

A viable and reasonable alternative has been suggested that not only is approved by the Senate Business and Professions Committee, but can protect many post-graduates' hours and instill even greater consumer protection than removing the 90-day rule altogether. There is no consumer protection reason *not* to go with this alternative.

You have met and discussed this on numerous occasions with CAMFT. We are in full agreement that the BBS Policy & Advocacy Committee should reverse its vote and instead recommend to the full Board the adoption of the following language:

**§4980.43 (h)** Postdegree (*pre-registration*) hours of experience shall be credited toward licensure ~~so long as if all of the following apply:~~ 1. The *registration* applicant applies for the *associate* registration within 90 days of the granting of the qualifying master's or doctoral degree; 2. *the experience is obtained at a workplace that, prior to the registration applicant gaining direct service/client experience, requires completed Live Scan fingerprinting;* and, 3. the board subsequently grants the *associate* registration and ~~is thereafter granted the intern registration by the board.~~

The American Association for Marriage and Family Therapy is the national professional association for the field of marriage and family therapy. We represent the professional interests of more than 50,000 marriage and family therapists throughout the United States, Canada and abroad. Our association facilitates research, theory development and education. We develop standards for graduate education and training, clinical supervision, professional ethics and the clinical practice of marriage and family therapy.

If you would like to discuss the bill further, please do not hesitate to call. It would be a pleasure to speak with you.

Sincerely,

*Olivia Loewy*

Olivia Loewy, Ph.D.  
Executive Director  
AAMFT-CA Division



**Orange County  
California Association of Marriage and Family Therapists**

January 24, 2018

To: BBS Policy and Advocacy Committee

**RE: AB 93 and 90 Day Rule**

Dear Chair Wong and Committee Members:

On behalf of the 885 members of the Orange County Chapter of the California Association of Marriage and Family Therapists, we are writing to express extreme concern about the Board of Behavioral Sciences Policy and Advocacy Committee's October 2017 vote to remove post-graduate MFT's ability to gain hours as they await registration (otherwise known as the 90 day rule).

Business & Professions Code section 4980.43(h), which allows post-graduate MFTs to gain hours while they await registration, has been part of the MFT, and now LPCC, road to licensure for decades. To date, little to no evidence has been brought forward by the DCA showing any consumer harm allocated from post-graduate's ability to gain hours. To remove post-graduate's ability to gain these hours for no reasonable purpose will result in numerous unintended consequences including a decline in continuity of care, client abandonment and further pre-licensure exploitation. In order to hold positions and provide continuity of care, it is likely that many pre-licensurees will continue seeing clients without hours or pay during the 90 day rule period. As cries for equality emanate from our nation, please consider the unintended perpetuation of prelicensure exploitation as a result of the 90 day rule.

Accordingly, we ask that the Committee vote to reverse their recommendation to remove the 90 day rule, and 2) work with stakeholders to come to a reasonable and viable alternative. We are aware that CAMFT has forwarded numerous alternatives, and ask that the BBS engage in dialogue to mutually determine a way to protect the ability of most, if not all, post-graduates ability to continue gaining their hours as they await registration.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Carla Rather".

Carla Rather, LMFT  
OC CAMFT President



1/24/18

To: BBS Policy and Advocacy Committee

**RE: AB 93 and 90 Day Rule**

Dear Chair Wong and Committee Members:

On behalf of the San Gabriel Valley Chapter of CAMFT, I am writing to express extreme concern about the Board of Behavioral Sciences Policy and Advocacy Committee's October 2017 vote to remove post-graduate MFT's ability to gain hours as they await registration (otherwise known as the 90 day rule).

Business & Professions Code section 4980.43(h), which allows post-graduate MFTs to gain hours while they await registration, has been part of the MFT, and now LPCC, road to licensure for decades. To date, little to no evidence has been brought forward by the BBS or DCA showing any consumer harm allocated from post-graduate's ability to gain hours. To remove post-graduate's ability to gain these hours for no reasonable purpose will result in numerous unintended consequences including a decline in continuity of care, client abandonment and further pre-licensure exploitation.

Accordingly, I ask that the Committee vote to 1) reverse their recommendation to remove the 90 day rule, and 2) work with stakeholders to come to a reasonable and viable alternative. We are aware that CAMFT has forwarded numerous alternatives, and ask that the BBS engage in dialogue to mutually determine a way to protect the ability of most, if not all, post-graduates' ability to continue gaining their hours as they await registration.

Thank you for your attention to this matter.

Sincerely,

Natasha Morisawa, LMFT

Board President, San Gabriel Valley Chapter CAMFT

SGVCAMFTPresident@gmail.com

---

---

## The MFT Consortium of Orange County

---

---

January 20, 2018

To: BBS Policy and Advocacy Committee  
RE: AB 93 and 90 Day Rule

Dear Chair Wong and Committee Members:

On behalf of the MFT Consortium of Orange County we are writing to express extreme concern about the Board of Behavioral Sciences Policy and Advocacy Committee's October 2017 vote to remove post-graduate MFT's ability to gain hours as they await registration (otherwise known as the 90 day rule).

Business & Professions Code section 4980.43(h), which allows post-graduate MFTs to gain hours while they await registration, has been part of the MFT, and now LPCC, road to licensure for decades. To date, little to no evidence has been brought forward by the BBS or DCA showing any consumer harm allocated from post-graduate's ability to gain hours. To remove post-graduate's ability to gain these hours for no reasonable purpose will result in numerous unintended consequences including a decline in continuity of care, client abandonment and further pre-licensure exploitation.

Accordingly, we ask that the Committee vote to reverse their recommendation to remove the 90 day rule, and 2) work with stakeholders to come to a reasonable and viable alternative. We are aware that CAMFT has forwarded numerous alternatives, and ask that the BBS engage in dialogue to mutually determine a way to protect the ability of most, if not all, post-graduates ability to continue gaining their hours as they await registration.

Thank you for your attention to this matter.

Sincerely,

**Kathleen Wenger, M.A. LMFT, LPCC** Co-chair  
Manager, M.A. Professional Development and Clinical Training  
Graduate School of Education and Psychology  
Pepperdine University, Orange County Campus  
Tel: (949) 223-2580 [kathleen.wenger@pepperdine.edu](mailto:kathleen.wenger@pepperdine.edu)

**Susan Read-Weil, M.A. L.M.F.T.** Co-chair  
Adjunct Faculty  
Pepperdine University, Orange County  
Pepperdine University, Orange County Campus [susanreadweil.mft@gmail.com](mailto:susanreadweil.mft@gmail.com)

**Mary M. Read, Ph.D., LMFT** Co-chair  
Director of Clinical Training Department of Counseling  
California State University, Fullerton  
(714)278-2167 [mread@Exchange.fullerton.edu](mailto:mread@Exchange.fullerton.edu)

***Blank Page***

## ATTACHMENT C



# AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY CALIFORNIA DIVISION

---

January 25, 2018

Kim Madsen, Executive Officer  
Christina Wong, Chair  
Rosanne Helms, Policy Analyst  
Board of Behavioral Sciences  
1625 N Market Blvd, #S-200  
Sacramento CA 95834

### **Re: AB 93 (Medina) – Proposed amendments**

Dear Ms. Madsen, Ms. Wong, Ms. Helms, and members of the Policy and Advocacy Committee,

The American Association for Marriage and Family Therapy, California Division (AAMFT-CA) has not yet taken a formal position on Assembly Bill 93, which would update the standards for supervision for marriage and family therapists. We are alarmed by amendments proposed at the November 2017 Policy and Advocacy Committee meeting, which we believe would harm client care without achieving any public protection purpose.

The proposed amendments would remove the ability for recent graduates to gain hours of experience toward licensure as they await registration by the board. The so-called “90-day rule” presently holds that so long as an individual applies for Associate registration within 90 days of their degree posting date, and is subsequently granted that registration, then hours of experience they gained between graduation and registration may be counted toward licensure *if* they meet all other requirements for supervised experience.

This has been law for almost 40 years, and to the best of our knowledge and research, has not led to a single instance of harm to a client by an unsafe practitioner.

Removing the 90-day rule, however, would have immediate harmful effects. In practice, the *best* outcome possible would be that therapists in exempt settings continue seeing their clients and simply cannot count hours between graduation and registration, delaying their licensure by 3 to 4 months – again, with no demonstrable public protection gain. More likely is that graduates will stop seeing clients between graduation and licensure – either of their own accord because the hours cannot count toward licensure, or as a restriction imposed by their employer – harming continuity of care. Neither of these outcomes is acceptable when no demonstrable public protection aim is to be achieved.

*(continued)*



## AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY CALIFORNIA DIVISION

---

A viable and reasonable alternative has been suggested that not only is approved by the Senate Business and Professions Committee, but can protect many post-graduates' hours and instill even greater consumer protection than removing the 90-day rule altogether. There is no consumer protection reason *not* to go with this alternative.

You have met and discussed this on numerous occasions with CAMFT. We are in full agreement that the BBS Policy & Advocacy Committee should reverse its vote and instead recommend to the full Board the adoption of the following language:

**§4980.43** (h) Postdegree (*pre-registration*) hours of experience shall be credited toward licensure ~~so long as if all of the following apply:~~ 1. The *registration* applicant applies for the *associate* registration within 90 days of the granting of the qualifying master's or doctoral degree; 2. *the experience is obtained at a workplace that, prior to the registration applicant gaining direct service/client experience, requires completed Live Scan fingerprinting;* and, 3. the board subsequently grants the *associate* registration ~~and is thereafter granted the intern registration by the board.~~

The American Association for Marriage and Family Therapy is the national professional association for the field of marriage and family therapy. We represent the professional interests of more than 50,000 marriage and family therapists throughout the United States, Canada and abroad. Our association facilitates research, theory development and education. We develop standards for graduate education and training, clinical supervision, professional ethics and the clinical practice of marriage and family therapy.

If you would like to discuss the bill further, please do not hesitate to call. It would be a pleasure to speak with you.

Sincerely,

Olivia Loewy, Ph.D.  
Executive Director  
AAMFT-CA Division



degree must fully contain these two core areas (3 semester units or 4.5 quarter units), with no exceptions, meaning a new degree would be required for licensure if this requirement is not met. All other core content areas remained eligible for remediation as allowed by current law.

The provision that the assessment and diagnosis core content areas could not be remediated was included in AB 1917 (Oberholte, Chapter 70, Statutes of 2016), and the provision became law for anyone applying for a license or a registration after January 1, 2017.

### **Recent Concerns**

AB 1917 has been in effect for approximately one year. During this time, the Board's licensing unit has encountered situations where in-state applicants were denied licensure, due to the degree not containing the full number of units for the assessment and/or diagnosis core content areas. In some cases, the applicants have argued they were not aware of the new requirement, and that more notice should have been given so that they had time to remediate. In other cases, schools have argued that their degree should qualify, because it falls under the provisions of BPC §4999.32 (which outlines degree requirements for degrees begun before August 1, 2012 and completed before December 31, 2018) and therefore, they believed that any requirements could be finished by the end of 2018.

**Attachment A** shows each in-state applicant, by school and degree program, that was denied a license, through October 2017, due to the degree being deficient in assessment and/or diagnosis.

**Attachment B** shows each out-of-state applicant, by degree title, that was denied through October 2017, due to the degree being deficient in assessment and/or diagnosis.

### **Recommendation**

Conduct an open discussion regarding the data shown in **Attachments A** and **B**, and determine if any action is needed. Potential options are as follows:

- **Option 1:** Take no action.
- **Option 2:** Remove the prohibition on remediation of the assessment and diagnosis core content areas for in-state applicants. The problem of degrees not being intended to lead to LPCC licensure is more common for out-of-state degrees. Out-of-state applicants are able to remediate a higher number of core content areas (out-of-state applicants may remediate up to six core content areas (except assessment and diagnosis), while in-state applicants may remediate either two or three core content areas (except assessment and diagnosis), depending on when the degree was earned.)
- **Option 3:** Amend the law to allow in-state applicants more time to remediate the assessment and diagnosis coursework, until January 1, 2020. Under this proposal, the Board would offer a one-time grace period for in-state applicants who are missing the coursework, but who were intending to apply for licensure, to qualify. This grace period would also allow in-state applicants who were previously denied due to missing the coursework, to reapply. (See **Attachment C** for proposed language.)

**Attachments**

**Attachment A:** In-State Applicant Denials in 2017 for Assessment and/or Diagnosis Core Content Deficiency

**Attachment B:** Out-of-State Applicant Denials in 2017 for Assessment and/or Diagnosis Core Content Deficiency

**Attachment C:** Proposed language for Option 3

***Blank Page***

**Attachment A**

**In-State Applicant Denials in 2017 for Assessment and/or Diagnosis Core Content Deficiency**

<b>School</b>	<b>Degree Qualifying Code Section (BPC) [1]</b>	<b>Degree Title</b>	<b>Missing Content Area</b>	<b>Number of Applicants Denied</b>	<b>Year of Applicants' Graduation</b>
Azusa Pacific	4999.32	Education Counseling	Diagnosis	3	2009, 2012, 2014
Laverne	4999.32	Education Counseling	Diagnosis	2	2009, 2012
Redlands	4999.32	School Education	Diagnosis	1	2011
Point Loma Nazarene	4999.32	Education Guidance	Diagnosis	1	n/a
La Sierra	4999.32	School Counseling	Diagnosis	1	2008
Pacific Graduate	4999.32	Psych. Counseling	Diagnosis	1	2005
National University	4999.32	Education Counseling	Diagnosis	2	2005, 2008
CSU Northridge	4999.32	School Counseling	Diagnosis	2	1996, 2003
CA Institute of Integral Studies	4999.32	Psychology	Diagnosis	1	2007
Loyola	4999.32	School Counseling	Assessment	1	2012
CSU Fresno	4999.32	Rehabilitation Counseling	Diagnosis	2	2011, 2013
CSU San Diego	4999.32	Rehabilitation Counseling	Diagnosis	2	2010, 2013
Pepperdine	4999.33	Clinical Psychology	Assessment	1	2017
CSU Los Angeles	4999.33	Counseling	Diagnosis	1	2017
<b>Total Applicants Denied</b>				<b>21</b>	

[1] Degrees qualifying under Business and Professions Code Section 4999.32 must have begun before August 1, 2012 and completed on or before December 31, 2018. These degrees have 9 required core content areas.

Degrees qualifying under Business and Professions Code Section 4999.33 are degrees begun after August 1, 2012, or are degrees that were begun earlier than this date and not completed by December 31, 2018. These degrees have 13 required core content areas.

***Blank Page***

**Attachment B**

**Out-of-State Applicant Denials in 2017 for Assessment and/or Diagnosis Core Content Deficiency**

<b>Degree Title</b>	<b>Missing Content Area</b>	<b>Number of Applicants Denied</b>	<b>Year of Applicants' Graduation</b>
Counseling	Assessment and Diagnosis	1	2015
Community Counseling	Diagnosis	1	n/a
Counseling Psychology	Diagnosis	2	2008, 2013
Human Development	Diagnosis	1	n/a
Dance Movement	Assessment	1	n/a
Addiction Counseling	Assessment	1	n/a
Drama Therapy	Assessment	2	n/a
Art Therapy	Assessment and/or Diagnosis	3	2015
School Counseling	Diagnosis	1	2000
Psychology	Assessment and Diagnosis	2	n/a
Mental Health	Assessment (or lack of total req'd units)	5	range: 2011-2017
Professional Counseling	Assessment (missing units)	1	n/a
<b>Total Applicants Denied</b>		<b>21</b>	

***Blank Page***

**ATTACHMENT C  
PROPOSED LANGUAGE FOR OPTION 3  
IN-STATE APPLICANTS ONLY**

**§4999.32. QUALIFICATIONS FOR LICENSURE OR REGISTRATION; GRADUATE COURSEWORK BEGINNING BEFORE AUGUST 1, 2012 AND COMPLETED BEFORE DECEMBER 31, 2018**

- (a) This section shall apply to applicants for licensure or registration who begin graduate study before August 1, 2012, and complete that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.
- (b) To qualify for licensure or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).
- (c) The degree described in subdivision (b) shall contain not less than 48 graduate semester or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:
  - (1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of the following core content areas:
    - (A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.
    - (B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.
    - (C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

- (D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.
  - (E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.
  - (F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.
  - (G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.
  - (H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.
  - (I) Professional orientation, ethics, and law in counseling, including professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.
- (2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

- (3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:
- (A) Applied psychotherapeutic techniques.
  - (B) Assessment.
  - (C) Diagnosis.
  - (D) Prognosis.
  - (E) Treatment.
  - (F) Issues of development, adjustment, and maladjustment.
  - (G) Health and wellness promotion.
  - (H) Other recognized counseling interventions.
  - (I) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.
- (d) (1) (A) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.
- (B) Notwithstanding subparagraph (A), no applicant [whose application is received by the board after December 31, 2019,](#) shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).
- [\(i\) Applicants for licensure who were issued an associate registration on or before December 31, 2019, whose degree was deficient in either of these areas and who remediated the deficiency pursuant to subparagraph \(A\) of paragraph \(1\) of this subdivision, shall be exempt from this requirement.](#)
- (2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.
- (3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.
- (e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an associate:

- (1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.
  - (2) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.
  - (3) A two semester unit or three quarter unit survey course in psychopharmacology.
  - (4) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.
  - (5) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations adopted thereunder.
  - (6) A minimum of 18 contact hours of instruction in California law and professional ethics for professional clinical counselors that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, and state and federal laws related to confidentiality of patient health information. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester unit or 72 quarter unit requirement in subdivision (c).
  - (7) A minimum of 10 contact hours of instruction in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.
  - (8) A minimum of 15 contact hours of instruction in crisis or trauma counseling, including multidisciplinary responses to crises, emergencies, or disasters, and brief, intermediate, and long-term approaches.
- (f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.

**§4999.33. QUALIFICATIONS FOR LICENSURE OR REGISTRATION; GRADUATE COURSEWORK BEGINNING AFTER AUGUST 1, 2012 OR COMPLETED AFTER DECEMBER 31, 2018**

(a) This section shall apply to the following:

- (1) Applicants for licensure or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.
- (2) Applicants for licensure or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.
- (3) Applicants for licensure or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for licensure or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (f), the coursework in the core content areas listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 60 graduate semester units or 90 graduate quarter units of instruction, which shall, except as provided in subdivision (f), include all of the following:

- (1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in all of the following core content areas:
  - (A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.
  - (B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.
  - (C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

- (D) Group counseling theories and techniques, including principles of group dynamics, group process components, group developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.
- (E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.
- (F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.
- (G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.
- (H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.
- (I) Professional orientation, ethics, and law in counseling, including California law and professional ethics for professional clinical counselors, professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.
- (J) Psychopharmacology, including the biological bases of behavior, basic classifications, indications, and contraindications of commonly prescribed psychopharmacological medications so that appropriate referrals can be made for medication evaluations and so that the side effects of those medications can be identified.

- (K) Addictions counseling, including substance abuse, co-occurring disorders, and addiction, major approaches to identification, evaluation, treatment, and prevention of substance abuse and addiction, legal and medical aspects of substance abuse, populations at risk, the role of support persons, support systems, and community resources.
  - (L) Crisis or trauma counseling, including crisis theory; multidisciplinary responses to crises, emergencies, or disasters; cognitive, affective, behavioral, and neurological effects associated with trauma; brief, intermediate, and long-term approaches; and assessment strategies for clients in crisis and principles of intervention for individuals with mental or emotional disorders during times of crisis, emergency, or disaster.
  - (M) Advanced counseling and psychotherapeutic theories and techniques, including the application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.
- (2) In addition to the course requirements described in paragraph (1), 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations.
- (3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:
- (A) Applied psychotherapeutic techniques.
  - (B) Assessment.
  - (C) Diagnosis.
  - (D) Prognosis.
  - (E) Treatment.
  - (F) Issues of development, adjustment, and maladjustment.
  - (G) Health and wellness promotion.
  - (H) Professional writing including documentation of services, treatment plans, and progress notes.
  - (I) How to find and use resources.
  - (J) Other recognized counseling interventions.
  - (K) A minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

- (1) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.
- (2) The understanding of human behavior within the social context of a representative variety of the cultures found within California.
- (3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.
- (4) An understanding of the effects of socioeconomic status on treatment and available resources.
- (5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.
- (6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.
- (7) Human sexuality, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.
- (8) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics.
- (9) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated thereunder.
- (10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

- (1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.
- (2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.

- (3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.
- (f) (1) (A) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.
- (B) Notwithstanding subparagraph (A), no applicant whose application is received by the board after December 31, 2019, shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).
- (i) Applicants for licensure who were issued an associate registration on or before December 31, 2019, whose degree was deficient in either of these areas and who remediated the deficiency pursuant to subparagraph (A) of paragraph (1) of this subdivision, shall be exempt from this requirement.
- (2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.
- (3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

***Blank Page***



## **Past Legislation**

The professional clinical counselor license, and its corresponding licensure requirements, were established via SB 788 (Chapter 619, Statutes of 2009). In reviewing various iterations of this bill from when it was introduced in February 2009, until it was signed by the Governor in October 2009, the amount of core content coursework was consistently set at 3 semester units or 4.5 quarter units. Staff did not find any concern noted in the committee bill analyses. Therefore, it does not appear that the unit equivalencies were a point of contention or debate at the time the LPCC licensing bill was successfully run.

Before the passage of SB 788, there were several unsuccessful legislative efforts to establish an LPCC license. AB 1486 (Calderon, 2007-2008) had a 3 semester 4.5 quarter unit requirement, as did AB 894 (La Suer, 2005-2006).

## **Other States**

Many other states also require their LPCC applicants to complete core content coursework. Below are the requirements of a selection of states:

**Arizona:** Has 8 required content areas. If not accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or the Council on Rehabilitation Education (CORE), applicants are required to have a 3 semester or 4 quarter credit hour course in each content area.

**Colorado:** Has 8 core areas. If the program is not CACREP accredited, then the student must demonstrate completion of 2 or more graduate semester hours, or 3 or more graduate quarter hours in each core area.

**Florida:** If the program is not CACREP accredited, then the student must demonstrate completion of 12 specific core content areas, which must be a minimum of 3 semester hours or 4 quarter hours of graduate-level coursework.

**Indiana:** Requires 12 content areas, but no specific number of units are required in each content area.

**Massachusetts:** Requires 10 content areas, with a minimum of 3 semester credits or 4 quarter credits taken in each area.

**New York:** Requires 11 core content areas, but no specific number of units are required in each content area.

**Texas:** Requires 10 core content areas, and regulations state that an applicant must complete at least one 3 semester hour course in each area.

## **Recommendation**

Discuss whether the required 0.5 quarter unit for core content areas creates a barrier to licensure, as well as solutions to remove any barrier. Potential solutions are as follows:

1. Removal of the 0.5 quarter unit requirement for each core content area. The requirement would then be 3-semester or 4-quarter unit courses, as in some other states cited above.
2. Allow the 0.5 quarter unit requirement to be remediated across all core content areas, if missing.
3. Wait for the Board's License Portability Committee to complete its work. This committee is seeking to improve portability for out-of-state licensees. Therefore, this issue may be at least partially resolved if the Committee proposes that out-of-state license holders do not need to demonstrate that their education requirements are identical to this Board's education requirements.
4. Other solutions suggested by Board members or stakeholders.

**Attachment**

**Attachment A:** BPC §§ 4999.32 and 4999.33 – LPCC Core Content Areas

***Blank Page***

## ATTACHMENT A

### **§4999.32. QUALIFICATIONS FOR LICENSURE OR REGISTRATION; GRADUATE COURSEWORK BEGINNING BEFORE AUGUST 1, 2012 AND COMPLETED BEFORE DECEMBER 31, 2018**

- (a) This section shall apply to applicants for licensure or registration who begin graduate study before August 1, 2012, and complete that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.
- (b) To qualify for licensure or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).
- (c) The degree described in subdivision (b) shall contain not less than 48 graduate semester or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:
  - (1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of the following core content areas:
    - (A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.
    - (B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.
    - (C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.
    - (D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic factors of

group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

- (E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.
  - (F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.
  - (G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.
  - (H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.
  - (I) Professional orientation, ethics, and law in counseling, including professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.
- (2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.
- (3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:

- (A) Applied psychotherapeutic techniques.
  - (B) Assessment.
  - (C) Diagnosis.
  - (D) Prognosis.
  - (E) Treatment.
  - (F) Issues of development, adjustment, and maladjustment.
  - (G) Health and wellness promotion.
  - (H) Other recognized counseling interventions.
  - (I) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.
- (d) (1) (A) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.
- (B) Notwithstanding subparagraph (A), no applicant shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).
- (2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.
- (3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.
- (e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an associate:
- (1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.
  - (2) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.
  - (3) A two semester unit or three quarter unit survey course in psychopharmacology.

- (4) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.
- (5) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations adopted thereunder.
- (6) A minimum of 18 contact hours of instruction in California law and professional ethics for professional clinical counselors that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, and state and federal laws related to confidentiality of patient health information. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester unit or 72 quarter unit requirement in subdivision (c).
- (7) A minimum of 10 contact hours of instruction in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.
- (8) A minimum of 15 contact hours of instruction in crisis or trauma counseling, including multidisciplinary responses to crises, emergencies, or disasters, and brief, intermediate, and long-term approaches.
- (f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.

**§4999.33. QUALIFICATIONS FOR LICENSURE OR REGISTRATION; GRADUATE COURSEWORK BEGINNING AFTER AUGUST 1, 2012 OR COMPLETED AFTER DECEMBER 31, 2018**

(a) This section shall apply to the following:

- (1) Applicants for licensure or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.
- (2) Applicants for licensure or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.
- (3) Applicants for licensure or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for licensure or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (f), the coursework in the core content areas listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 60 graduate semester units or 90 graduate quarter units of instruction, which shall, except as provided in subdivision (f), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in all of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

- (D) Group counseling theories and techniques, including principles of group dynamics, group process components, group developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.
- (E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.
- (F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.
- (G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.
- (H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.
- (I) Professional orientation, ethics, and law in counseling, including California law and professional ethics for professional clinical counselors, professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.
- (J) Psychopharmacology, including the biological bases of behavior, basic classifications, indications, and contraindications of commonly prescribed psychopharmacological medications so that appropriate referrals can be made for medication evaluations and so that the side effects of those medications can be identified.

- (K) Addictions counseling, including substance abuse, co-occurring disorders, and addiction, major approaches to identification, evaluation, treatment, and prevention of substance abuse and addiction, legal and medical aspects of substance abuse, populations at risk, the role of support persons, support systems, and community resources.
  - (L) Crisis or trauma counseling, including crisis theory; multidisciplinary responses to crises, emergencies, or disasters; cognitive, affective, behavioral, and neurological effects associated with trauma; brief, intermediate, and long-term approaches; and assessment strategies for clients in crisis and principles of intervention for individuals with mental or emotional disorders during times of crisis, emergency, or disaster.
  - (M) Advanced counseling and psychotherapeutic theories and techniques, including the application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.
- (2) In addition to the course requirements described in paragraph (1), 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations.
- (3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:
- (A) Applied psychotherapeutic techniques.
  - (B) Assessment.
  - (C) Diagnosis.
  - (D) Prognosis.
  - (E) Treatment.
  - (F) Issues of development, adjustment, and maladjustment.
  - (G) Health and wellness promotion.
  - (H) Professional writing including documentation of services, treatment plans, and progress notes.
  - (I) How to find and use resources.
  - (J) Other recognized counseling interventions.
  - (K) A minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

- (1) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.
- (2) The understanding of human behavior within the social context of a representative variety of the cultures found within California.
- (3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.
- (4) An understanding of the effects of socioeconomic status on treatment and available resources.
- (5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.
- (6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.
- (7) Human sexuality, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.
- (8) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics.
- (9) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated thereunder.
- (10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

- (1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.
- (2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.

- (3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.
- (f) (1) (A) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.
- (B) Notwithstanding subparagraph (A), no applicant shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).
- (2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.
- (3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

***Blank Page***



Based on the information available, it appears that both the LMFT and LCSW programs have always limited the length of registrations, initially to five years. It was increased in 1986 to six years.<sup>1</sup>

### **Recent Committee Discussion**

The Board's standing committees have discussed this topic several times over the past few years due to stakeholder requests.

The Policy and Advocacy Committee discussed this topic most recently at its June 23, 2017 meeting. At that meeting, the Committee asked staff to gather specific data about registrations:

1. Number of registrants on a subsequent registration number;
2. Average time to complete supervised experience hours; and
3. Common reasons for needing a subsequent registration number

These topics are explored in the remainder of this document.

### **Number of Registrants on a Subsequent Registration Number**

**Table 1** shows the number of AMFTs and ASWs currently on a subsequent registration number. The table looks at all the current and delinquent registrations that are on a subsequent registration number, as a percentage of total registrants of that type.

- For AMFTs, 12.6% of the registrant population is on a subsequent number.
- For ASWs, 10.5% of the registrant population is on a subsequent number.

The first APCCs are just now reaching the six-year mark; therefore, there are very few APCCs with a subsequent number currently.

### **Time to Complete Supervised Experience Hours**

Next, Board staff compiled data on the number of years applicants are taking to gain the required supervised experience hours. The results are shown in **Table 2**. Data is shown by year, based on applications evaluated in 2015, 2016, 2018, and early January 2018, respectively. It is then compiled as overall data spanning from 2015 to early January 2018.

The overall data shows the following:

- It is taking LMFT applicants an average (mean) of 3.33 years to gain their required supervised experience hours. The median is 3.02 years.
- It is taking LCSW applicants an average (mean) of 3.67 years to gain their required supervised experience hours. The median is 3.19 years.

---

<sup>1</sup> AB 3657 (Chapter 1365, Statutes of 1986)

Staff did not compile data for LPCC applicants, because the license has only been in existence for six years; therefore, most have not had the option to utilize second registration numbers yet.

### **Common Reasons for Needing a Subsequent Registration Number**

The Committee asked Board staff to explore the common reasons for obtaining a subsequent registration number. A registrant might need a subsequent registration number for many reasons. The Board's evaluators talk to registrants daily and have a good pulse on the most common reasons for obtaining a subsequent registration number. They cited the following:

- Registrant stopped gaining hours to raise a family
- Illness (self)
- Caregiver for a family member with an illness
- Working part-time
- Unable to obtain employment or supervision
- Still need a registration number for work purposes (for example, they are in the exam cycle, or are in the process of applying for licensure, but a registration number is required at their job.)
- Registrant was denied a portion of their hours during the evaluation process for some reason (for example, the supervisor was not licensed for two years prior to supervision, too many non-clinical hours, etc.) and hours must be made up.

### **Previous Research on Time to Gain Experience Hours**

The Board previously researched time to gain experience hours or time to obtain licensure. However, it should be noted that different methods were used to gather the data below, so it is not directly comparable. The method staff used to gather the current data above was based on the features and limitations of the new Breeze database system, which was not available for use at the time the older data was compiled.

#### **2014 Research**

LMFT Applicants: In late 2014, data was compiled on 100 LMFT applicants who recently completed their experience hours. Of those sampled:

- **78%** were able to obtain their post-degree hours in **less than 4 years** from the date of graduation (*does NOT include pre-degree hours*).
- The **average** length of time to complete the experience was **3.4 years**.
- The **median** length was **3 years**.

#### **2008 Research**

In July 2008, the Board conducted a study of its licensing processes based on data for all 2002, 2003, and 2004 graduates that registered with the Board. Below is the resulting table that shows the time (in years) involved from graduation to license, and from registration application submission to license, for three graduating classes. It shows that, for those graduating classes, it typically takes approximately 3 to 4 years for an ASW to obtain a license once they have submitted their registration application.

<b>Average Years from Graduation to License and Registration Application Submission to License</b>			
Timeframe (in years)	2002 Grads	2003 Grads	2004 Grads
	ASW	ASW	ASW
Grad to License	4.55	3.99	3.40
Registration Application Submission to License	4.13	3.66	3.09

Although the methods used for the data above are not directly comparable to the methods used to gather the most recent data, they appear to suggest a similar, and fairly consistent result about the amount of time it takes to gain supervised experience hours.

### **Recent and Proposed Law Changes**

Recent and proposed changes to the Board’s licensing laws may make it easier to obtain the required supervised experience in a shorter timeframe:

- The elimination of the “buckets” – specific categories of experience – for LMFT and LPCC applicants. (Effective January 1, 2016 and phasing in now.)
- Decreasing in required experience hours for LCSW applicants from 3,200 hours to 3,000 hours. (Proposed in AB 93.)
- Allowing triadic supervision in lieu of individual supervision for LMFT, LCSW, and LPCC applicants. (Proposed in AB 93.)

These changes were designed to increase the applicant’s ability to gain experience hours, while preserving public protection safeguards such as ensuring quality supervision and the need for applicants for licensure to have current and relevant experience. However, the changes are either in the beginning of the phase in process (for the “buckets”), or are not law yet, and therefore data on their effects will not be available for several years.

### **Options for Discussion**

The Committee may wish to conduct an open discussion on the following:

- The six-year limit on the age of hours of experience; and
- The six-year length of the initial registration number and the inability of a registrant to work in a private practice after this period has ended.

### **Attachments**

**Table 1:** Number of Registrants on a Subsequent Registration Number

**Table 2:** Years to Complete Supervised Experience Hours

**Table 1**  
**Number of Registrants on a Subsequent Registration Number**

	<b>AMFTs</b>	<b>ASWs</b>
Number of Registrants on a Subsequent Registration Number [1]	2,361	1,658
Total Registrants [2]	18,666	15,855
<b>Percent of Total on a Subsequent Registration Number</b>	<b>12.6%</b>	<b>10.5%</b>

[1] Includes subsequent registrations that are current and delinquent as of January 16, 2018.

[2] Includes registrations that are current and delinquent as of January 16, 2018.

**Table 2**  
**Years to Complete Supervised Experience Hours**

Years To Complete Supervised Experience By Year and Overall [1]																				
	2015				2016				2017				January 2018 (Partial)				OVERALL (2015- Jan. 2018)			
	Mean	Median	Mode	# of Records	Mean	Median	Mode	# of Records	Mean	Median	Mode	# of Records	Mean	Median	Mode	# of Records	Mean	Median	Mode	# of Records
<b>LMFT Applicant</b>	3.22	2.98	3.18	621	3.29	3.00	3.18	721	3.34	3.02	3.18	1440	3.17	2.98	3.18	31	3.33	3.02	3.18	2813
<b>LCSW Applicant</b>	3.60	3.18	2.10	371	3.57	3.17	2.10	270	3.69	3.20	2.10	907	2.23	2.24	2.10	23	3.67	3.19	2.10	1571

[1] Data shown is based on applications evaluated in 2015, 2016, 2017, and early January 2018, respectively.



2. Update the content required for the Human Sexuality course for consistency with statute, DSM-V and to ensure currency.
3. Update the content required for the Alcoholism and Other Chemical Substance Dependency class, to clarify that it should also include substance abuse (as opposed to only dependency)
4. Clarify the definitions pertaining to a “renewal period” (determines when CE is required to be completed).
5. Clarify that an individual who holds a retired license is exempt from CE requirements.
6. Modify the terms of obtaining an exception from (waiver of) CE requirements. These requirements have not been updated since the time that CE was widely offered online and the limitation on self-study was removed. See Attachment B for other healing arts boards waiver requirements. The proposed amendments are as follows:
  - Clarify that a CE waiver is temporary (only in effect for one renewal cycle).
  - Delete the reference to “reasonable accommodation.” An accommodation (as opposed to an exception) was previously granted to individuals who needed to complete all CE hours via “self-study.” The limitation on the number of hours of self-study was removed effective July 1, 2015. All CE can be completed online.
  - Allow active military duty CE waivers only for those stationed outside of the U.S. (currently specifies stationed outside of California).
  - Stipulate that a waiver will only be granted due to being out of the country or on active military duty if the individual was prevented from accessing CE courses during that time (for example, cannot access acceptable CE provider websites).
  - Require those requesting a waiver due to a physical or mental disability to also have been substantially limited from the ability to practice.
  - Limit waivers for licensees who are a primary caregiver of an immediate family member, to only family members with a total physical or mental disability.
  - Require those granted a CE waiver to take the 6-hour law and ethics course despite the waiver.
  - Update the CE waiver request forms and instructions.
7. Delete the requirement that LMFTs and LCSWs who began graduate study prior to January 1, 1986 take a CE course in Alcoholism and Other Chemical Substance Dependency. All applicants for LMFT and LCSW licensure must now meet this requirement prior to license issuance.

8. Clarify that a course on Law and Ethics that is also designed to meet supervisor training requirements shall be accepted toward the 6-hour Law and Ethics course required for each renewal period.
9. Clarify that a CE course taught by a licensee may only count toward his or her CE if it is a course taught for a board-accepted provider; specify that teaching such courses may only count for 18 of the 36 required CE hours.
10. Update the list of approval agencies and acceptable providers.
11. Delete outdated sections that pertained to the Board's former CE regulatory program and delineated the transition to the new program.
12. Make other technical and non-substantive changes.

### **Recommendation**

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and recommend to the full Board as regulatory proposal.

### **Attachments**

- Attachment A:** Summary Chart of BBS CE Requirements
- Attachment B:** Other DCA Healing Arts Boards – CE Waiver Requirements
- Attachment C:** Proposed Language
- Attachment D:** CE Waiver Application
- Attachment E:** Verification of Disability or Medical Condition Form
- Attachment F:** Instructions and Information for CE Waiver Application
- Attachment G:** Continuing Education Statutes and Regulations

**Blank Page**



**CONTINUING EDUCATION REQUIREMENTS**

LMFT	LCSW	LPCC	LEP	COURSES REQUIRED
<b>Required for FIRST Renewal Only</b>				
✓	✓	✓		<b>HIV/AIDs (7 hours)</b> per Title 16 California Code of Regulations (16CCR) § 1887.3 (c)
			✓	<b>Child Abuse Assessment and Reporting (7 hours)</b> per 16CCR § 1807.2
			✓	<b>Alcoholism and Other Chemical Substance Dependency (15 hours)</b> per 16CCR § 1810
<b>Required for EVERY Renewal</b>				
✓	✓	✓	✓	<b>Law and Ethics (6 hours)</b> per 16CCR § 1887.3 (d)
		✓*		<b>Marriage and Family Therapy (6 hours)</b> per Business and Professions Code § 4999.20 <i>*Only required for the following LPCCs – otherwise course is not required:</i> <ul style="list-style-type: none"> <li>• LPCCs who choose to assess or treat couples or families</li> <li>• LPCCs supervising an Associate Marriage and Family Therapist or MFT Trainee</li> <li>• LPCCs supervising an LPCC or Associate PCC gaining experience with couples or families</li> </ul>

<b>Overall Hours:</b>	All licensees are required to complete the MINIMUM of 18 hours of Continuing Education (CE) for their first renewal. An LEP may be required to complete more hours due to their particular requirements. All subsequent renewals have a requirement of 36 hours.
<b>Dual Licensees:</b>	If you have a LMFT or LCSW license in addition to your LEP or LPCC license, you may apply CE hours to both licenses if the course meets all CE requirements and the subject matter relates to both scopes of practice.
<b>Courses Taught:</b>	You may claim credit for teaching a course. You will receive the same amount of hours as a course attendee would receive. However, you can only claim credit for teaching a course one time during a single renewal period.  1 Semester Unit = 15 CE hours    1 Quarter Unit = 10 CE hours
<b>Supervisors:</b>	Supervisors of Associate Clinical Social Workers, Associate Marriage and Family Therapists, MFT Trainees or Associate Professional Clinical Counselors may apply supervisor course training hours to CE requirements as long as the training has been taken from an acceptable CE provider.

***Blank Page***

**ATTACHMENT B**

**OTHER DCA HEALING ARTS BOARDS – CE WAIVER REQUIREMENTS**

<b>Board</b>	<b>Reasons Allowed</b>	<b>Other Specifications</b>
<b><i>Board of Psychology</i></b>	<p>During the two-year period preceding expiration date:</p> <ul style="list-style-type: none"> <li>• Total physical and/or mental disability for at least one year; or</li> <li>• Total physical and/or mental disability of an immediate family member for at least one year where the psychologist has total responsibility for the care; or</li> <li>• ADA reasonable accommodation – exemption from on-site participation requirement; or</li> <li>• Engaged in active military service reasonably preventing completion of CE requirements; or</li> <li>• Other good cause (not defined)</li> </ul>	<ul style="list-style-type: none"> <li>• Law and ethics course cannot be waived</li> <li>• Exemption may be granted from all or part of hours.</li> <li>• If waiver request denied, must complete CE within 120 days of notification of denied request</li> </ul>
<b><i>Board of Registered Nursing</i></b>	<p>During the renewal period, must:</p> <ul style="list-style-type: none"> <li>• Have resided overseas for a period of one year or more</li> <li>• Be employed by a Federal agency or military and practicing outside of California</li> <li>• Have a hardship of one or more years' duration for:               <ul style="list-style-type: none"> <li>• Total physical disability. Must provide verification of readiness or ability to return to work; or</li> <li>• Total disability of immediate family member for whom licensee has total responsibility.</li> </ul> </li> </ul>	
<b><i>Medical Board</i></b>	<p>"For reasons of retirement, health, military service or undue hardship." Nothing further specified.</p>	<p>Requires hours to be made up the following renewal cycle.</p>
<b><i>Dental Board</i></b>	<p>Not practiced in California for more than one year during renewal period due to disability.</p>	

***Blank Page***

# ATTACHMENT C

## PROPOSED REGULATORY LANGUAGE

### California Code of Regulations Title 16. Professional and Vocational Regulations Division 18. Board of Behavioral Sciences

#### ARTICLE 1. GENERAL PROVISIONS

##### §1807. HUMAN SEXUALITY TRAINING

The human sexuality training required of marriage and family therapists, clinical social workers, and professional clinical counselors by Sections 25, 4980.41, 4980.81, 4996.2, 4996.17, and 4999.32, 4999.62, and 4999.63 of the Code shall:

(a) Consist of a minimum of ten (10) hours of training or coursework.

(b) Include the study of physiological, ~~psychological~~ and social-cultural variables associated with sexual behavior, sexual dysfunctions, sexual orientation, gender identity, ~~sexual behavior or sexual disorders~~ and gender dysphoria.

~~(c) Have been completed after January 1, 1970, and shall have been obtained from one of the educational institutions or entities specified herein:~~

~~(1) An educational institution accredited by one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or~~

~~(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~

~~(3) A continuing education provider approved by the board; or~~

~~(4) A course sponsored by a professional association; or~~

~~(5) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

*Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 25, 4980.41, 4980.81, 4980.54, 4996.2, 4996.17, 4996.22, and 4999.32, 4999.62 and 4999.63, Business and Professions Code.*

## §1807.2. CHILD ABUSE ASSESSMENT AND REPORTING TRAINING REQUIREMENTS

~~In addition to all other requirements for licensure, all~~ All persons applying for a license as a marriage and family therapist, clinical social worker, or professional clinical counselor or applying for first-time renewal of a license as an educational psychologist, shall in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and reporting and shall submit documentation to the board. The coursework or training ~~in child abuse assessment and reporting~~ shall consist of not less than 7 ~~classroom~~ hours and shall include training in each of the subject areas described in Section 28 of the Code. The coursework or training shall ~~be:~~

~~(a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary Education, pursuant to Sections 94802 and 94887 of the Education; or~~

~~(b) Obtained from a statewide professional association representing the professions of psychology, social work or marriage and family therapy; or~~

~~(c) Obtained from or sponsored by a local, county, state or federal governmental entity, or licensed health facility; or~~

~~(d) Obtained from a continuing education provider approved by the board.~~

~~(e) Completed after January 1, 1983 have been completed within the five (5) years prior to the date the Board receives the individual's application for licensure or renewal.~~

~~(f) A licensed educational psychologist shall meet the requirements of this section prior to applying for his or her first license renewal on or after January 1, 2012.~~

*Note: Authority cited: Sections ~~28, 4980.60, 4989.34~~ and 4990.20, Business and Professions Code. Reference: Sections 28, 4980.36, 4980.41, 4980.54, 4989.34, 4996.2, 4996.22, and 4999.32 and 4999.33, Business and Professions Code; and Sections 11165 and 11166, Penal Code.*

## §1810. ALCOHOLISM AND OTHER CHEMICAL SUBSTANCE DEPENDENCY TRAINING

(a) The instruction and training in alcoholism and other chemical substance dependency required by Sections 4980.41, ~~4980.80, 4980.90~~, 4996.2, 4996.17, and 4999.32 of the Code shall consist of not less than fifteen (15) hours of ~~classroom~~ training or coursework and shall include each of the following areas:

(1) The definition of alcoholism, substance abuse, and other chemical dependency, and the evaluation of the ~~abuser~~ client.

(2) Medical aspects of alcoholism, substance abuse, and other chemical dependency.

(3) Current theories of the etiology of substance abuse.

(4) The role of persons and systems that support or compound the abuse.

(5) Major treatment approaches to alcoholism, substance abuse, and chemical dependency.

(6) Legal aspects of substance abuse.

(7) Knowledge of certain populations at risk with regard to substance abuse.

(8) Community resources offering assessment, treatment and follow-up for the ~~abuser~~ client and family.

- (9) The process of referring affected persons.
- (10) ~~Education concerning and p~~Prevention of substance abuse.

~~(b) For persons subject to Section 4980.41(d) of the Code, the training or coursework shall be:~~

~~(1) Obtained from an educational institution or in an extension course offered by an institution that is either accredited by one or more of the entities specified in Section 1832 of these regulations or is approved by the Bureau for Private Postsecondary Education, pursuant to Sections 94802 and 94887 of the Education Code;~~

~~(c) For all others, the training or coursework shall be:~~

- ~~(1) Obtained from the educational institutions identified in subsection (b) (1); or~~
- ~~(2) Obtained from or sponsored by a local, county, state or federal governmental entity; or~~
- ~~(3) Obtained from a licensed health facility; or~~
- ~~(4) Obtained from a continuing education provider approved by the board.~~

~~(c) (d)~~ A licensed educational psychologist ~~that renews~~ applying for first-time renewal of his or her license ~~on or after January 1, 2012~~ shall have received not less than fifteen (15) hours of instruction and training in alcoholism and other chemical substance dependency as described in subsections (a) and (b). ~~that shall include classroom training or coursework in each of the following areas:~~

- ~~(1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.~~
- ~~(2) Medical aspects of alcoholism and other chemical dependency.~~
- ~~(3) Current theories of the etiology of substance abuse.~~
- ~~(4) The role of persons and systems that support or compound the abuse.~~
- ~~(5) Major treatment approaches to alcoholism and chemical dependency.~~
- ~~(6) Legal aspects of substance abuse.~~
- ~~(7) Knowledge of certain populations at risk with regard to substance abuse.~~
- ~~(8) Community resources offering assessment, treatment and follow-up for the abuser and family.~~
- ~~(9) The process of referring affected persons.~~
- ~~(10) Education concerning and prevention of substance abuse.~~

~~(e) Training and coursework received pursuant to subsection (d) of this section shall be obtained as provided in subsection (c) of this section.~~

*Note: Authority cited: Sections 4980.60, ~~4989.34~~ and 4990.20, Business and Professions Code.  
Reference: Sections 4980.41, ~~4980.80, 4980.81, 4980.90,~~ 4989.34, 4996.2, 4996.17, and 4999.32, Business and Professions Code.*

### **~~§1810.1. CALIFORNIA LAW AND ETHICS TRAINING; ACCEPTABLE EDUCATION PROVIDERS~~**

~~The California law and ethics training required of professional clinical counselors and out-of-state marriage and family therapist applicants required by Sections 4980.80 and 4999.32 of the Code shall:~~

- ~~(a) Have been obtained from one of the educational institutions or entities specified herein:~~
  - ~~(1) An educational institution accredited by the Western Association of Schools and Colleges or one~~

- ~~or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,~~
- ~~(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~
- ~~(3) A continuing education provider approved by the board; or~~
- ~~(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

~~Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.80 and 4999.32, Business and Professions Code.~~

## **~~§1810.2. CRISIS OR TRAUMA COUNSELING TRAINING~~**

~~The crisis or trauma counseling training required by Sections 4999.32 of the Code shall:~~

- ~~(a) Have been obtained from one of the educational institutions or entities specified herein:~~
- ~~(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,~~
- ~~(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~
- ~~(3) A continuing education provider approved by the board; or~~
- ~~(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

~~Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4999.32, Business and Professions Code.~~

## **§1810.5. ACCEPTABLE TRAINING PROVIDERS**

(a) The training required in the following areas shall have been obtained from one of the providers listed in this section:

- (1) Human sexuality training required by section 1807.
- (2) Child abuse assessment and reporting training required by section 1807.2.
- (3) Alcoholism and other chemical substance dependency training required by section 1810.
- (4) California law and ethics training required of out-of-state marriage and family therapist, clinical social worker, and professional clinical counselor applicants required by sections 4980.78, 4980.79, 4996.17, 4999.62 and 4999.63 of the Code.
- (5) Crisis or trauma counseling training required by section 4999.32 of the Code.

(b) The above training courses shall have been obtained from one of the following entities:

- (1) An educational institution accredited a regional or national institutional accrediting agency that is recognized by the United States Department of Education, including extension courses

offered by such institutions; or

(2) An educational institution approved by the Bureau for Private Postsecondary Education, including extension courses offered by such institutions; or

(3) A continuing education provider accepted by the board; or

(4) A course sponsored, offered, or approved by a professional association or a state, county, or local department of health or mental health.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 25, 28, 32, 4980.36, 4980.41, 4980.54, 4980.78, 4980.79, 4980.81, 4989.34, 4996.2, 4996.17, 4999.32, 4999.33, 4999.62 and 4999.63, Business and Professions Code; and Sections 11165 and 11166, Penal Code.

## ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS

### §1887. DEFINITIONS

As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, or viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location, that has been verified and approved by the continuing education provider.
- (b) A "provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.
- (c) An "initial renewal period" means the period from the date of issuance of an initial license to the license's first expiration date.
- (d) A "renewal period" means the two-year period that spans from the effective date of the license first day after the license's prior expiration date to the current license expiration date.
- (e) An "approval agency" means an organization recognized by the board that evaluates and approves providers of continuing education, ensures courses offered by its providers meet the continuing education requirements of the board, and monitors the quality of each approved continuing education course.

*Note: Authority cited: Sections 4980.60, ~~4989.34~~, and ~~4999.76~~ 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*

### §1887.1. LICENSE RENEWAL REQUIREMENTS

- (a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

- (b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.

*Note: Authority cited: Sections 4980.60, ~~4989.34~~, and 4990.20 ~~and 4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4982, 4989.34, 4989.54, 4992.3, 4996.22, 4999.76 and 4999.90, Business and Professions Code.*

## **§1887.2. EXCEPTIONS FROM AND TEMPORARY WAIVERS OF CONTINUING EDUCATION REQUIREMENTS**

- (a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education prior to his or her first license renewal.
- (b) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code, or retired pursuant to Section 4984.41, 4989.45, 4997.1 or 4999.113 of the Code.
- (c) A licensee may submit a written request for exception a temporary waiver from, ~~or reasonable accommodation for~~, the continuing education requirement, on a form entitled "Request for Temporary Continuing Education Exception Waiver – Licensee Application," Form No. 1800 37A-635 (~~Rev 03/10 Revised [date to be determined by OAL upon approval of regulations]~~), hereby incorporated by reference, for any of the reasons listed below.
- (d) Licensees granted a temporary waiver shall not be exempt from completing the six (6) hours of continuing education in Law and Ethics required by section 1887.3.
- (e) The request for waiver must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, whether the waiver is granted within thirty (30) working days after the request is received ~~receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted~~. If the request for exception waiver or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception waiver or accommodation is approved, it shall be valid for one renewal period.
- (f) (1) The board shall grant an exception temporary waiver of continuing education if the licensee can provide evidence, satisfactory to the board, that:
- (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California the United States due to his or her military service and was unable to access courses offered by a Board-accepted continuing education provider. The licensee shall submit documentation of active duty service, such as military orders, and an explanation of why the licensee was unable to access courses offered by a Board-accepted continuing education provider; or
- (B) For at least one year during the licensee's previous license renewal period the licensee resided in another country and was unable to access courses offered by a Board-

accepted continuing education provider. The licensee shall submit documentation of residing in another country, such as a passport or visa, and an explanation of why the licensee was unable to access courses offered by a Board-accepted continuing education provider; or

~~(C) (2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code that substantially limited the licensee's ability to practice and complete the required hours of continuing education; or~~

~~(D) For at least one year during the licensee's previous license renewal period, the licensee was the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A "total physical or mental disability" means that the family member is both unable to work and unable to care for himself or herself, including performing activities of daily living without substantial assistance, such as housework, shopping, meal preparation, eating, bathing, and dressing.~~

(2) The licensee's or immediate family member's physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Temporary Continuing Education Exception Waiver – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 03/10 Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by reference.

*Note: Authority cited: Sections ~~4980.54, 4980.60, 4989.34, and 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; and Sections 12926 and 12944, Government Code. Reference: Sections 4980.54, 4984.8, 4984.41, 4989.34, 4989.44, 4989.45, 4996.22, 4997, 4997.1, 4999.11, and 4999.76, and 4999.113, Business and Professions Code; and Sections 12926 and 12944, Government Code.~~*

### **§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS**

(a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4.0.

~~(b) Marriage and family therapists and clinical social workers who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.~~

- ~~(b)~~ ~~(e)~~ A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- ~~(c)~~ ~~(e)~~ Any person renewing his or her license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement. A course on law and ethics that is also designed to meet supervisor training requirements pursuant to Article 3, 4 or 6 shall be accepted toward meeting this requirement.
- ~~(d)~~ ~~(e)~~ If a licensee teaches a course provided by a board-accepted provider, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course. A maximum of 18 hours of continuing education may be met by teaching courses during each renewal period.
- ~~(e)~~ ~~(f)~~ A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.
- ~~(f)~~ ~~(g)~~ A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.
- ~~(g)~~ ~~(h)~~ A licensee who attends the board enforcement case review training may be awarded up to six (6) hours of continuing education in the renewal cycle in which the case review training was attended. The continuing education hours earned by attending a board enforcement case review training may only be used to satisfy the law and ethics portion of the continuing education requirement.
- ~~(h)~~ ~~(i)~~ A licensee who acts as a board subject matter expert (SME) for an enforcement case review may be awarded six (6) hours of continuing education in the renewal cycle in which the enforcement case review was performed. The continuing education hours earned by acting as a board enforcement case SME may only be used to satisfy the law and ethics portion of the continuing education requirement.
- ~~(i)~~ ~~(j)~~ A licensee who participates in a board examination development workshop may be awarded six (6) hours of continuing education in the renewal cycle in which the examination development workshop was attended. The continuing education hours earned by participating in a board examination development workshop may only be used to satisfy the law and ethics portion of the continuing education requirement.
- ~~(j)~~ ~~(k)~~ A licensee who participates in a professional organization's law and ethics review committee may be awarded up to six (6) hours of continuing education in the renewal cycle in which the participation occurred. The continuing education earned by participating in a professional organization's law and ethics review committee may only be used to satisfy the law and ethics portion of the continuing education requirement.

Note: Authority cited: Sections 4980.60, ~~4989.34~~, and 4990.20 ~~and~~ 4999.76, Business and

Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

#### **§1887.4. CONTINUING EDUCATION COURSE CONTENT**

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code. The content of a course shall also be related to direct or indirect patient/client care.~~

~~(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).~~

~~(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).~~

~~(b) A provider shall ensure that a course has specific objectives that are measurable.~~

~~(c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.~~

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

#### **1887.4.1. BOARD-RECOGNIZED APPROVAL AGENCIES**

(a) The following are board-recognized approval agencies:

- (1) National Association of Social Workers (NASW)
- (2) Association of Social Work Boards (ASWB)
- (3) National Board of Certified Counselors (NBCC)
- (4) National Association of School Psychologists (NASP)
- (5) American Psychological Association (APA)
- (6) California Psychological Association (CPA)
- (7) California Association of Marriage and Family Therapists (CAMFT)

(b) The board may recognize another entity as an approval agency if the entity can demonstrate in writing the following:

- (1) The entity is an organization that represents a licensed health care profession.
- (2) The entity has a documented Code of Ethics.

(3) The entity has documented procedures for maintaining a continuing education approval program, including, but not limited to:

(A) Maintaining and managing records and data related to continuing education programs.

(B) Monitoring and approving continuing education providers and courses.

(4) The entity has policies to avoid a conflict of interest between any provider and approval functions.

(5) The entity has the capacity to evaluate courses to ensure compliance with Section 1887.4.0.

(c) Upon written confirmation from the board that the entity has been recognized, the entity may advertise that it has been recognized by the board.

(d) Failure of the entity to substantially comply with the provisions as set forth in Section 1887.4.2 shall constitute cause for revocation of recognition by the board.

*Note: Authority cited: Sections 4980.60, ~~4989.34~~, and 4990.20 ~~and 4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*

### **§1887.4.3. CONTINUING EDUCATION PROVIDER RESPONSIBILITIES**

(a) A continuing education provider shall be either:

(1) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code;

(2) a board-recognized approval agency or a continuing education provider that has been approved or registered by a board-recognized approval agency for continuing education; or

(3) an organization, institution, association, or other entity that is recognized by the board as a continuing education provider. The following organizations are recognized by the board as continuing education providers:

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

~~(B) American Association for Marriage and Family Therapy-California Division (AAMFT-CA)~~

~~(B)-(C)~~ California Association for Licensed Professional Clinical Counselors (CALPCC)

~~(C)-(D)~~ California Association of Marriage and Family Therapists (CAMFT)

~~(D)-(E)~~ National Association of Social Workers-California Chapter (NASW-CA)

~~(E)-(F)~~ California Society for Clinical Social Work (CSCSW)

~~(F)-(G)~~ California Association of School Psychologists (CASP)

~~(G)-(H)~~ California Psychological Association (CPA)

~~(H)-(I)~~ California Counseling Association (CCA)

~~(I)-(J)~~ American Counseling Association (ACA)

- (b) Each provider shall ensure that each continuing education course complies with the requirements of Section 1887.4.0.
- (c) Each provider shall furnish each licensee a record of course completion as defined in Section 1887.11.0.
- (d) Each provider shall maintain records of completion of their continuing education courses for four (4) years as defined in Section 1887.12(b). Credit hours awarded shall be in compliance with Section 1887.5.
- (e) Each provider shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.
- (f) No provider shall discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.
- (g) No provider shall promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.
- (h) Each provider must be able to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency, or professional association.
- (i) Each provider must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.
- (j) When a provider works with another party on the development, distribution, and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (k) Each provider is responsible for meeting all applicable local, state and federal standards, including the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2008).
- (l) Each provider shall submit all documents related to an audit of course material to the approval agency or the board upon written request.

*Note: Authority cited: Sections 4980.60, ~~4989.34~~, and 4990.20 ~~and 4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*

### **~~§1887.7. BOARD-APPROVED PROVIDERS~~**

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

- ~~(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved~~

provider.

- ~~(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800-37A-633, Rev. 1/11), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.~~
- ~~(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.~~
- ~~(d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.~~
- ~~(e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.~~
- ~~(f) Board-approved provider numbers are non-transferable.~~
- ~~(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.~~

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

### **§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS**

This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.

- ~~(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:
  - ~~(1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;~~
  - ~~(2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or~~
  - ~~(3) a provider makes a material misrepresentation of fact in information submitted to the board.~~~~
- ~~(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received~~

~~before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.~~

~~The continuing education appeals committee shall contain three board members, one public member and two members representing two of the four license types regulated by the board. The decision of the continuing education appeals committee is final.~~

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

### ~~§1887.9. COURSE ADVERTISEMENTS~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:~~

- ~~(a) the provider's name;~~
- ~~(b) the provider number, if a board-approved provider;~~
- ~~(c) the statement "Course meets the qualifications for \_\_\_\_\_ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";~~
- ~~(d) the provider's policy on refunds in cases of non-attendance by the registrant; and~~
- ~~(e) a clear, concise description of the course content and objectives.~~

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

### ~~§1887.10. COURSE INSTRUCTOR QUALIFICATIONS~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:~~

- ~~(1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;~~
- ~~(2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;~~
- ~~(3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or~~
- ~~—(4) at least two years' experience in an area related to the subject matter of the course.~~

~~(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify~~

~~all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.~~

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

### **~~§1887.11. RECORDS OF COURSE COMPLETION~~**

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:~~

- ~~(a) name of licensee and license number or other identification number;~~
- ~~(b) course title;~~
- ~~(c) provider name and address;~~
- ~~(d) provider number, if a board-approved provider;~~
- ~~(e) date of course;~~
- ~~(f) number of hours of continuing education credit; and~~
- ~~(g) signature of course instructor, provider, or provider designee.~~

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

### **~~1887.15 TRANSITION PERIOD FOR CONTINUING EDUCATION PROGRAM~~**

- ~~(a) An entity wishing to become recognized by the board as an approval agency may submit documentation demonstrating compliance with Section 1887.4.1 to the board beginning January 1, 2015.~~
- ~~(b) Effective January 1, 2015, the board will cease accepting applications for board-approved continuing education providers.~~
- ~~(c) Effective July 1, 2015, all board-approved continuing education provider numbers will no longer be renewed.~~
- ~~(d) Notwithstanding any other provision of this Article, board-approved continuing education provider numbers with an expiration date of July 1, 2015, or later are not eligible for renewal.~~
- ~~(e) Notwithstanding any other provision of this Article, each board-approved continuing education provider may continue to provide continuing education coursework until the expiration of their continuing education provider number.~~
- ~~(f) Board licensees may be credited with continuing education credits from a board-approved continuing education provider if all of the following criteria are satisfied:
  - ~~(1) The board-approved continuing education provider's board-issued provider number~~~~

~~was not expired at the time that the course was taken; and~~

~~(2) The continuing education course satisfied the course requirements set forth in Section 1887.4 and the instructor requirements set forth in Section 1887.10, as applicable to continuing education providers who hold an active board-issued continuing education provider number.~~

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

***Blank Page***

ATTACHMENT D



Board of Behavioral Sciences

1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830 TTY: (800) 326-2297
www.bbs.ca.gov



REQUEST FOR TEMPORARY CONTINUING EDUCATION EXCEPTION WAIVER LICENSEE APPLICATION

This form must be received by the Board at least SIXTY (60) DAYS prior to the your license expiration date of the license. Allow 30 days for processing.

READ INSTRUCTIONS BEFORE COMPLETING THIS FORM
Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

For Office Use Only:
Date Received
Date Approved Denied
Date of Audit (if applicable)
Enforcement Approval Yes No Date:

NOTE: The 6-hour Law and Ethics course CANNOT be waived

(Please type or print clearly in ink)

Part 1 - To be completed by Applicant/Licensee

\*NAME: Last First Middle
BUSINESS TELEPHONE: RESIDENCE TELEPHONE: EMAIL ADDRESS (OPTIONAL):
ADDRESS OF RECORD: Number and Street City State Zip Code
SOCIAL SECURITY NUMBER: LICENSE NUMBER: RENEWAL PERIOD REQUESTING EXCEPTION FOR CURRENT LICENSE EXPIRATION DATE:
to

REASON FOR EXCEPTION WAIVER REQUEST: (Check one box only)

- Health - Self: (Complete Part 2)
Health - Primary Caregiver of Immediate Family Member: (Complete Part 2-3)
Military: (submit proof documentation of active duty service for at least one year during your renewal period, and an explanation of why you were prevented from accessing courses offered by a Board-accepted continuing education provider)
Out of Country: (submit proof documentation that you resided in another country for at least one year during your renewal period, and an explanation of why you were prevented from accessing courses offered by a Board-accepted continuing education provider)

APPLICANT NAME: _____	_____	_____	_____
	Last	First	Middle

**Part PART 2 – To be completed by licensee to explain medical condition or disability.  
Please attach extra sheets if necessary.**

1. ~~Provide a detailed description of the~~ What is your diagnosed disability or medical condition ~~and an explanation as to how the disability or medical condition limits one or more major life activities.?~~

---

---

2. Were you substantially limited in your ability to practice for at least one year during your renewal cycle due to your disability or medical condition?  Yes  No

3. How did your condition impact your ability to meet the continuing education requirements?

---

---

2-4. Attach completed “Request for Temporary Continuing Education Exception Waiver – Verification of Disability or Medical Condition,” Form No. 37A-636 (~~New 03/10~~ Revised [date to be inserted by OAL upon approval of regulations]).

**PART 3 – To be completed by licensee to explain immediate family member’s disability  
Please attach extra sheets if necessary**

1. What is your immediate family member’s diagnosed disability?

---

---

2. Was this immediate family member totally disabled (both unable to work and unable to care for self without substantial assistance) for at least one year during your renewal cycle?  Yes  No

3. Were you the primary caregiver for this immediate family member for at least one year during your renewal cycle?  Yes  No

4. Attach completed “Request for Temporary Continuing Education Exception Waiver – Verification of Disability or Medical Condition,” Form No. 37A-636 (~~New 03/10~~ Revised [date to be inserted by OAL upon approval of regulations]).

3. ~~What type of accommodation are you requesting?~~

~~**Total Exception from Continuing Education Requirements** — By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the continuing education requirements due to one of the following: (a) total physical and/or mental disability; or, (b) total physical and/or mental disability of an immediate family member, including a domestic partner, where you were the primary caregiver for that family member.~~

~~**Request to Complete all Continuing Education Hours via Self-Study** — By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the interactive continuing education requirements due to one of the following: (a) physical and/or mental disability or medical condition; or, (b) physical and/or mental disability or medical condition of an immediate family member, including a domestic partner, where you are the primary caregiver for that family member.~~

4. Explain how another accommodation would allow you to comply with the continuing education requirements.

---

---

---

---

---

---

***I declare under penalty of perjury under the laws of the State of California that all ~~the~~ information ~~that I have~~ submitted on this form and on any accompanying attachments is are true and correct. I hereby certify that for at least one year during my previous license renewal period I was prevented from completing the continuing education requirements due to one of the reasons listed in Title 16, California Code of Regulations Section 1887.2. I understand that ~~P~~roviding false information or omitting required information are grounds for disciplinary action.***

---

**Date**

---

**Signature of Licensee**

~~*Certifying on your renewal form that you have either completed the required hours of continuing education or been granted an exception from the continuing education requirements prior to receiving the approved exception may constitute a violation of Business and Professions Code Sections 4982(b), 4989.54 (b), 4992.3(b) and 4999.90(b).*~~

## EXCEPTIONS FROM THE CE REQUIREMENT

**Notice of Collection of Personal Information:** The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a “good cause” exception to the Board’s continuing education requirements. Submission of your social security number is voluntary. Submission of other personal information such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempt from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address and telephone number: 1625 North Market Blvd., Suite S-200, Sacramento, CA 95834 or (916) 574-7830.

### **Exception Regulation, 16 CCR Section 1887.2(c)**

(c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled “Request for Continuing Education Exception,” Form No. 37A-635 (Rev 03/10) for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.

(1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:

(A) For at least one year during the licensee’s previous license renewal period the licensee was absent from California due to military service;

(B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country; or

(2) The board may grant a reasonable accommodation if, for at least one year during the licensee’s previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled “Request for Continuing Education Exception — Verification of Disability or Medical Condition,” Form No. 37A-636 (New 03/10).

### **How to Request Exception**

To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. The board will accept any documentation establishing the validity of your request, including military orders that demonstrate service outside California or a passport or visa showing the dates you resided out of the country. The Board may accept a written statement from your physician or psychologist in lieu of completing Part 2, provided that the statement provides all of the information requested in Part 2 of the verification form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above.** After the board’s review, you will be notified whether your request was granted.

### **Exceptions Cannot be Granted Before the Fact**

The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, 2012, and you are going to live out of the country from May 2011 through November 2012, you can submit your request for exception due to living out of the country anytime after May 2012.*

### **Renewal Application**

Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. ***Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.***

If you have any questions, please contact the board’s CE program at (916) 574-7830.



Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830 TTY: (800) 326-2297
www.bbs.ca.gov



REQUEST FOR TEMPORARY CONTINUING EDUCATION EXCEPTION WAIVER
VERIFICATION OF DISABILITY OR MEDICAL CONDITION

This form must be received by the Board at least SIXTY (60) days prior to
the your license expiration date of the license.

READ INSTRUCTIONS BEFORE COMPLETING THIS FORM
Any unanswered item will cause this request to be
incomplete. Incomplete requests will not be processed.

For Office Use Only:
Date Received
Date Approved Denied
Date of Audit (if applicable)
Enforcement Approval Yes No Date:

(Please type or print clearly in ink)

Part 1 - To be Completed by Applicant/Licensee

\*NAME: Last First Middle

BUSINESS TELEPHONE: RESIDENCE TELEPHONE: EMAIL ADDRESS (OPTIONAL):

ADDRESS OF RECORD: Number and Street City State Zip Code

\*SOCIAL SECURITY NUMBER: LICENSE NUMBER: RENEWAL PERIOD REQUESTING EXCEPTION FOR CURRENT LICENSE EXPIRATION DATE:
to

REASON FOR EXCEPTION WAIVER: (Check one box only)

- Health - Self: (Complete Part 2)
Health-Primary Caregiver of Immediate Family Member: (Complete Part 23)

Name of Immediate Family Member:

Part 2 - Health - Self

To be Completed by Attending Physician/Psychologist

1. What was the applicant's diagnosed disability or medical condition that substantially limited his or her ability
to practice and complete the required hours of continuing education?

~~2. Provide a description of the physical or mental disability or medical condition and an explanation as to how~~

- ~~• Describe how the disability or medical condition substantially limits one or more major life activities limited the licensee's ability to practice, including and~~
  - ~~• Describe how the disability or medical condition substantially limited the licensee's ability to complete 36 the required hours of continuing education (typically 36 hours over a two-year period), considering all CE can be taken online through classroom/seminar attendance, home study, Internet courses.~~
- Please attach additional sheets if necessary.

---

---

---

---

---

---

---

---

23. Approximate date disability/medical condition began: \_\_\_\_\_

Disability/medical condition is  Temporary  Permanent

4. Approximate date disability/medical condition resolved, if applicable: \_\_\_\_\_

If Temporary, approximate date licensee will be able to resume his/her continuing education: \_\_\_\_\_

3. Is licensee limited in working in his/her licensed capacity?  Yes  No

If Yes, please explain limitations: \_\_\_\_\_

---

---

---

**Part 3 – Health – Immediate Family Member**  
**To be Completed by Attending Physician/Psychologist**

1. Immediate Family Member's Name: \_\_\_\_\_

2. What was the licensee's family member's diagnosed disability? \_\_\_\_\_  
 \_\_\_\_\_

3. Was this family member (1) unable to work and (2) unable to care for himself or herself, including performing activities of daily living without substantial assistance?  Yes  No

Attending Physician's/Psychologist's Name	License Number	Business Telephone	
Attending Physician's/Psychologist's Address	City	State	Zip Code

**I declare under penalty of perjury under the laws of the State of California that all the information I have submitted on this form and on any accompanying attachments is true and correct. ~~Providing false information or omitting required information are grounds for disciplinary action.~~**

\_\_\_\_\_

***Date***

\_\_\_\_\_

***Signature of Licensee***

\_\_\_\_\_

***Date***

\_\_\_\_\_

***Signature of Physician/Psychologist***

***\*See "Notice of Collection of Personal Information" (over)***

# EXCEPTIONS FROM THE CE REQUIREMENT

~~**Notice of Collection of Personal Information:**—The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Sections 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a “good cause” exception to the Board’s continuing education (CE) requirements. Submission of your social security number is voluntary. Submission of other personal information, such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempted from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address or telephone number: 1625 North Market Blvd., Suite S200, Sacramento, CA 95834 or (916) 574-7830.~~

## ~~Exception Regulation, 16 CCR Section 1887.2(c)~~

~~(c) A licensee may submit a request for exception from or reasonable accommodation for the continuing education requirement, on a form entitled “Request for Continuing Education Exception,” Form No. 1800-37A-635 (Revised 03/10), for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee within thirty (30) working days after the receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.~~

~~(1) The board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:~~

~~(A) For at least one year during the licensee’s previous license renewal period the licensee was absent from California due to military service; or,~~

~~(B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country.~~

~~(2) The board may grant a reasonable accommodation if, for at least one year during the licensee’s previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled “Request for Continuing Education Exception—Verification of Disability or Medical Condition,” Form No. 1800-37A-636 (New 03/10).~~

## ~~How to Request Exception~~

~~To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. The board will accept documentation establishing the validity of your request, including military orders that demonstrate service outside California or a passport or visa showing the dates you resided out of the country. The board may accept a written statement from your physician or psychologist in lieu of completing Part 2 of the verification form, provided that the statement provides all of the information requested in Part 2 of the form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above.** After the board’s review, you will be notified whether your request was granted.~~

## ~~Exceptions Cannot be Granted Before the Fact~~

~~The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. For example, if your license expiration date is July 31, 2011, and you are going to live out of the country from May 2010 through November 2011, you can submit your request for exception due to living out of the country any time after May 2011.~~

## ~~Renewal Application~~

~~Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. **Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.**~~

~~If you have any questions, please contact the Board’s CE program at (916) 574-7830.~~



*Board of Behavioral Sciences*  
 1625 North Market Blvd., Suite S200, Sacramento, CA 95834  
 Telephone: (916) 574-7830 TTY: (800) 326-2297  
[www.bbs.ca.gov](http://www.bbs.ca.gov)



## **REQUEST FOR TEMPORARY CONTINUING EDUCATION (CE) WAIVER: INSTRUCTIONS AND INFORMATION**

### **IMPORTANT:**

- **The Board must receive your request for CE waiver at least sixty (60) days PRIOR to the expiration date of your license in order for the waiver to be considered. Otherwise, your request will be denied. Allow 30 days for processing.**
- **The 6-hour Law and Ethics CE course required for each renewal CANNOT BE WAIVED. You must complete this course before renewing.**

### **How to Request a Temporary Waiver of CE**

To request a temporary waiver, complete the "Request for Temporary Continuing Education Waiver – Licensee Application" Form No. 37A-635 (Revised [date to be inserted by OAL upon approval of regulations]) and submit it to the Board, along with documentation establishing the validity of your request, such as military orders that demonstrate service outside the United States or a passport or visa showing the dates you resided out of the country.

If your request is due to your own disability or medical condition, or an immediate family member's disability (including a domestic partner), you must also submit the form entitled "Request for Temporary Continuing Education Waiver – Verification of Disability or Medical Condition" Form No. 37A-636 (Revised [date to be inserted by OAL upon approval of regulations]). The Board may accept a written statement from the physician or psychologist in lieu of completing the form, provided that the statement provides all of the information requested on the form, and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification.

You will be notified whether your request was granted within thirty (30) days after your request for waiver and all supporting documentation are received by the Board.

### **Waivers Cannot be Granted Before the Fact**

The board can only grant a waiver for your current renewal period. The board cannot grant a waiver for a future renewal period, nor can it grant a waiver for a situation that you anticipate happening. You may request a waiver after the situation has occurred, or during the situation as long as you have met the minimum criteria.

### **Send Your Waiver Request BEFORE Submitting Your Renewal Application**

Do not submit your renewal application until after the Board has responded to your waiver request. Courtesy renewal applications are mailed out 90 days prior to your license expiration date. It takes 30 days to process an application for waiver.

If your request for waiver is denied, you will be required to complete all CE hours, including any mandatory coursework, prior to renewing your license in an active status. If you are unable to complete your CE hours prior to your expiration date, you may want to consider renewing your license as inactive. This will help you avoid a delinquency fee. You may reactivate your license once you have completed the CE. It is against the law to practice on an inactive or delinquent license.

Regardless of whether you are issued a waiver, you must complete the 6-hour course in Law and Ethics prior to renewing your license with an active status.

Note: Certifying on your renewal form that you have either completed the required hours of continuing education, or have been granted a temporary CE waiver PRIOR TO being granted a waiver may constitute a violation of Business and Professions Code Section 4982(b), 4989.54 (b), 4992.3(b) or 4999.90(b).

If you have any questions, contact the Board's CE program at [BBS.ContinuingEd@dca.ca.gov](mailto:BBS.ContinuingEd@dca.ca.gov) or (916) 574-7830.

**\*Temporary Waiver Regulation, Title 16, California Code of Regulations Section 1887.2 (c)-(f)**

(c) A licensee may submit a written request for a temporary waiver from the continuing education requirement, on a form entitled "Request for Temporary Continuing Education Waiver – Licensee Application" Form No. 1800 37A-635 (Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by reference, for any of the reasons listed below.

(d) Licensees granted a temporary waiver shall not be exempt from completing the six (6) hours of continuing education in Law and Ethics required by section 1887.3.

(e) The request for waiver must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee whether the waiver is granted within thirty (30) days after the request is received. If the request for waiver is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for waiver is approved, it shall be valid for one renewal period.

(f) (1) The board shall grant a temporary waiver of continuing education if the licensee can provide evidence, satisfactory to the board, that:

(A) For at least one year during the licensee's previous license renewal period the licensee was absent from the United States due to his or her military service and was prevented from accessing courses offered by a Board-accepted continuing education provider. The licensee shall submit documentation of active duty service, such as military orders, and an explanation of why the licensee was prevented from accessing courses offered by a Board-accepted continuing education provider; or

(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country and was prevented from accessing courses offered by a Board-accepted continuing education provider. The licensee shall submit documentation of residing in another country, such as a passport or visa, and an

explanation of why the licensee was prevented from accessing courses offered by a Board-accepted continuing education provider; or

(C) For at least one year during the licensee's previous license renewal period, the licensee had a physical or mental disability or medical condition that substantially limited the licensee's ability to practice; or

(D) For at least one year during the licensee's previous license renewal period, the licensee was the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A "total physical or mental disability" means that the family member is both unable to work and unable to care for himself or herself or perform activities of daily living without substantial assistance, such as housework, shopping, meal preparation, eating, bathing, and dressing.

(2) The licensee's or immediate family member's physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Temporary Continuing Education Waiver – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by reference.

### **Notice of Collection of Personal Information:**

The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a "good cause" waiver of the Board's continuing education requirements.

Submission of personal information such as name, license number and medical history, is mandatory. The Board cannot process your request for waiver of the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by state or federal law; or
- In response to a court or administrative order, a subpoena, or a search warrant.

You have a right of access to records containing personal information about you maintained by the Board, as permitted by the Information Practices Act. For questions about this notice or access to your records, contact the Board at (916) 574-7830 or by email at [BBS.info@dca.ca.gov](mailto:BBS.info@dca.ca.gov). For questions about the Department of Consumer Affairs' privacy policy or the Information Practices Act, contact the Department of Consumer Affairs, 1625 North Market Blvd., Sacramento, CA 95834 or (800) 952-5210 or email [dca@dca.ca.gov](mailto:dca@dca.ca.gov).

**Blank Page**

**ATTACHMENT G**

**CONTINUING EDUCATION STATUTES AND REGULATIONS**

**BUSINESS AND PROFESSIONS CODE**

**LMFT: §4980.54. CONTINUING EDUCATION**

- (a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to ensure that an applicant is prepared and qualified to take the licensure examinations as specified in subdivision (d) of Section 4980.40 and, if he or she passes those examinations, to begin practice.
- (b) In order to continuously improve the competence of licensed marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.
- (c) Except as provided in subdivision (e), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.
- (d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.
- (e) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.
- (f) The continuing education shall be obtained from one of the following sources:
  - (1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.36 or 4980.37. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.
  - (2) Other continuing education providers, as specified by the board by regulation.
- (g) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (f), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.
- (h) Training, education, and coursework by approved providers shall incorporate one or more of the following:
  - (1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.

- (2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.
  - (3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.
- (i) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.
  - (j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (f) shall be deemed to be an approved provider.
  - (k) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

#### **LEP: §4989.34. CONTINUING EDUCATION REQUIREMENTS**

- (a) To renew his or her license, a licensee shall certify to the board, on a form prescribed by the board, completion in the preceding two years of not less than 36 hours of approved continuing education in, or relevant to, educational psychology.
- (b) (1) The continuing education shall be obtained from either an accredited university or a continuing education provider as specified by the board by regulation.
  - (2) The board shall establish, by regulation, a procedure identifying acceptable providers of continuing education courses, and all providers of continuing education shall comply with procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.
- (c) Training, education, and coursework by approved providers shall incorporate one or more of the following:
  - (1) Aspects of the discipline that are fundamental to the understanding or the practice of educational psychology.
  - (2) Aspects of the discipline of educational psychology in which significant recent developments have occurred.
  - (3) Aspects of other disciplines that enhance the understanding or the practice of educational psychology.
- (d) The board may audit the records of a licensee to verify completion of the continuing education requirement. A licensee shall maintain records of the completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon its request.

- (e) The board may establish exceptions from the continuing education requirements of this section for good cause, as determined by the board.
- (f) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The amount of the fees shall be sufficient to meet, but shall not exceed, the costs of administering this section.
- (g) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

**LCSW: §4996.22. CONTINUING EDUCATION EFFECTIVE JANUARY 1, 2004**

- (a)(1) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.
- (2) The board shall not renew any license of an applicant who began graduate study prior to January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, he or she completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).
- (b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.
- (c) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.
- (d) The continuing education shall be obtained from one of the following sources:
  - (1) An accredited school of social work, as defined in Section 4991.2, or 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. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.
  - (2) Other continuing education providers, as specified by the board by regulation.
- (e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to the procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education

coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

- (f) Training, education, and coursework by approved providers shall incorporate one or more of the following:
  - (1) Aspects of the discipline that are fundamental to the understanding, or the practice, of social work.
  - (2) Aspects of the social work discipline in which significant recent developments have occurred.
  - (3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.
- (g) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.
- (h) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.
- (i) The board may adopt regulations as necessary to implement this section.
- (j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

#### **LPCC: §4999.76. LICENSE RENEWAL; CONTINUING EDUCATION REQUIREMENT**

- (a) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.
- (b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.
- (c) The board may establish exceptions from the continuing education requirement of this section for good cause, as defined by the board.
- (d) The continuing education shall be obtained from one of the following sources:
  - (1) A school, college, or university that is accredited or approved, as defined in Section 4999.12. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

- (2) Other continuing education providers as specified by the board by regulation.
- (e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.
- (f) Training, education, and coursework by approved providers shall incorporate one or more of the following:
  - (1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.
  - (2) Significant recent developments in the discipline of professional clinical counseling.
  - (3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.
- (g) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.
- (h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.
- (i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

## **TITLE 16, CALIFORNIA CODE OF REGULATIONS**

### **§1887.4.0. CONTINUING EDUCATION COURSE CONTENT**

- (a) Courses shall meet the requirements, relevant to each practice, as set forth in Sections 4980.54, 4989.34, 4996.22 and 4999.76 of the Code.
- (b) The content of the course shall be based upon a methodological, theoretical, research, or practice knowledge base, and;
  - (1) demonstrate credibility through the involvement of the broader mental health practices, education, and science communities in studying or applying the findings, procedures, practices or theoretical concepts; or
  - (2) be related to ethical, legal, statutory or regulatory policies, guidelines, and standards that impact each respective practice.

(c) Each continuing education course shall have:

- (1) written educational goals and specific learning objectives that are measurable and serve as a basis for an evaluation of the effectiveness of the course;
- (2) an evaluation mechanism that allows each participant to evaluate the continuing education course;
- (3) a syllabus that provides a general outline of the course, which shall contain, at a minimum, the learning objectives for each course and a summary containing the main points for each topic; and
- (4) a mechanism that allows all participants to assess their achievement in accordance with the program's learning objectives.

*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*

#### **1887.4.2. APPROVAL AGENCY RESPONSIBILITIES**

(a) Each board-recognized approval agency shall:

- (1) Evaluate each continuing education provider seeking approval in accordance with the requirements of Section 1887.4.3.
- (2) Maintain a list of the names and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person shall be reported to the approval agency within 15 days of the effective date of the change.
- (3) Provide the board with the name, address and responsible party of each provider upon request.
- (4) Respond to complaints from the board, providers, or licensees concerning activities of any of its approved providers or their courses.
- (5) Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the board and, upon request, report the findings of such reviews to the board.
- (6) Ensure that the continuing education coursework offered by its providers meets the continuing education requirements of the board.
- (7) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*

## **§1887.5. HOURS OF CONTINUING EDUCATION CREDIT**

- (a) One hour of instruction is equal to one hour of continuing education credit.
- (b) One academic quarter unit is equal to ten (10) hours of continuing education credit.
- (c) One academic semester unit is equal to fifteen (15) hours of continuing education credit.

*Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.*

## **§1887.11.0 RECORDS OF COURSE COMPLETION**

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

- (a) name of licensee and license number or other identification number;
- (b) course title;
- (c) provider name and address;
- (d) Board-recognized approval agency name, or a statement that the provider is an entity recognized by the board to provide continuing education pursuant to Section 1887.4.3;
- (e) date of course;
- (f) number of hours of continuing education credit; and
- (g) signature of course instructor, provider, or provider designee.

*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*

## **§1887.12. LICENSEE AND PROVIDER COURSE RECORDS**

- (a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.
- (b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:
  - (1) syllabi for all courses;
  - (2) the time and location of all courses;
  - (3) course advertisements;
  - (4) course instructors' vitae or resumes;
  - (5) attendance rosters with the names and license numbers of licensees who attended the courses;
  - (6) sign-in sheets; and
  - (7) records of course completion issued to licensees who attended the courses.

(c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*



programs.) The average number practicum of sites per school program is 26 sites, and the median is 20 sites. However, this is a rough estimate, as many schools gave a range of the number of sites utilized.

3. Of the 53 responding school programs, 12 indicated that some of their practicum sites charge fees (22.6%). Of these 12 school programs, on average 3 of their sites charged a fee. (Programs were asked to exclude practicum sites that only charge trainees a fee for fingerprinting or background checks).
4. If a fee is charged, 78% of school programs report that the trainee pays the fee directly to the practicum site. 22% of school programs report that the school pays the fee, with no cost to the trainee.
5. 77% of reporting school programs report having no students who pay practicum fees. 23% report having some students who pay. Of these (12 total), in most cases 10% or less of the students pay for practicum. Two schools indicate a higher percentage of students paying for practicum.
6. The majority of reporting school programs indicate they do not place students in practicum sites that charge, or they would discourage students from choosing a site that charged.
7. School programs were asked to list practicum sites they utilize that charge fees, and the corresponding fee amounts. Here are the responses that gave concrete numbers (note that some schools gave conflicting amounts for the same agency):
  - Cal Fam Counseling - \$600/year
  - Airport Marina Counseling Center - \$1,000 per year (self-reported by agency)
  - Center for Individual and Family Counseling - \$1,000 per year
  - West Valley Counseling Center - \$1,200 per year
  - San Fernando Valley Counseling Center - \$500 per year (one report), \$80 per month (another report)
  - Counseling Partners of Los Angeles - \$600 per year
  - Southern California Counseling Center - \$70 per month (self-reported by agency)
  - Counseling West – training fee of approx. \$60 per month (one report), \$500 flat administrative fee (another report)
  - Family Service Agency of Burbank - \$75 per month training fee
  - Relational Center - \$250 per month
  - Unnamed site in Santa Cruz - \$900 overall
8. When asked if there are any alternatives offered if a student is unable to pay for a practicum site, most school programs indicated their students do not pay any fees, or that they are unaware of any alternatives at sites that do charge fees. However, one school mentioned that a site provides a discount for trainees that perform office work. There was a mention of another site that provides a discount to Spanish-speaking trainees.
9. 83% of responding school programs reported that their students have the option to work for a practicum site that does not charge fees. (It appears that many respondents

misunderstood the question and clicked the “other” option, then elaborating that their students are not charged fees; therefore, this number is likely higher than 83%.)

10. School programs were asked to report the counties where their fee-charging practicum sites are located. Most schools cited Los Angeles County, as summarized below:

County	No. of Schools Indicating Fee-Charging Practicum Sites
Los Angeles	10
Orange	3
Humboldt	1
San Diego	1
Santa Barbara	1
Santa Cruz	1
Santa Clara	1

11. Most responding school programs (62%) reported that they have seen no increase in the number of practicum sites that charge fees. Some schools (11%) reported seeing a slight increase, while 4% reported a moderate increase.

12. School programs were asked to share any additional thoughts they had on this topic (See Question 18 of **Attachment B**.) Below are four comments (two in favor of site fees, two against) that appear representative of the general responses:

- *“For the site that charges 1,000.00 it is a 2 year program that offers specific trainings which are beneficial to the students development. I support that.”*
- *“The program listed as CalFam above is our on-site community mental health program. We see clients on a sliding scale that goes down to \$5. The \$200 per semester we charge our trainees doesn't begin to cover our costs. Our counseling center loses about \$300,000 per year, and is underwritten by the university. We also pay our supervisors below-market for their services. The people who would be hurt by eliminating these supervision fees would be the public - the consumer - who would not be able to afford the increase in rates for mental health services.”*
- *“My university strongly feels that students should not be paying a fee and consequently does not place students in those agencies to support this practice. Luckily we live in a LA where there are ample other choices”*
- *“Students already pay so much in fees. It feels wrong to have sites charge students to work for them for no cost.”*

## **Results of Agency Survey**

The results of the survey of non-profit agencies that utilize marriage and family therapist, or professional clinical counselor trainees are shown in **Attachment D**. Significant findings are as follows:

1. A total of 31 non-profit agencies responded to the survey.
2. Participating agencies reported utilizing an average of 10 trainees. However, the median trainees utilized was 3. This is likely due to varying sizes of the agencies.
3. 90% of the responding agencies reported providing individual supervision to trainees. 10% of the responding agencies reported that they do not provide individual supervision.
4. Most responding agencies (84%) stated that they do not charge fees to their trainees. Approximately 16% of reporting agencies reported that they do charge their trainees a fee. (Respondents were asked to exclude fees charged for fingerprinting or background checks.)
5. The following responding agencies reported charging some type of fee to their trainees:
  - a. **Airport Marina Counseling Service (AMCS)** – Los Angeles County
    - Charges \$1,000 for a training course that is designed to help new therapists incorporate what they learned in school into practice.
    - They reduce or waive the fee if there is a hardship.
  - b. **Southern California Counseling Center (SCCC)** – Los Angeles County
    - Charges \$70 per month to help cover cost of trainings.
    - Trainees may contribute time in lieu of the monthly fee.
  - c. **The Maple Counseling Center** – Los Angeles County
    - Charges \$75 per month to cover training-related costs.
    - Allows payment plan options on a case-by-case basis, and will occasionally waive the fee for a hardship.
  - d. **Southern California Counseling Center (SCCC)** – Los Angeles
    - Charges \$70 per month to help cover cost of trainings.
    - Trainees may contribute time in lieu of the monthly fee.
  - e. **Open Paths Counseling Center** – Los Angeles
    - Charges \$75 per month to assist in subsidizing costs for two weekly blocks of supervision, training costs, and agency expenses.
    - Trainees who earn \$900 per month in fees from providing services receive a fee waiver.
    - Trainees can opt to do 5 hours per month of office work instead of paying the fee (this works out to \$15 per hour).
  - f. **New Beginnings Counseling Center** – Santa Barbara
    - One-time initial administrative fee of \$150 to offset hiring process costs.
    - A trainee can pay over time if he/she cannot afford to pay upon hire.

6. Agencies that charge fees strongly indicated that the consequence of not being able to charge trainee fees would be that services available to their low-income clientele would be impacted. They also emphasized in many cases that the training opportunities that their agency provides is more in-depth than one would get in a graduate program, or is very specialized to a specific population.

### **Recommendation**

Conduct an open discussion about the above findings regarding trainees paying fees for practicum experience.

### **Attachments**

**Attachment A:** School Survey: Trainee Fees for Required Practicum Experience

**Attachment B:** School Survey Results

**Attachment C:** Survey for Non-Profit Agencies Utilizing MFT and PCC Trainees

**Attachment D:** Non-Profit Agency (Practicum Site) Survey Results

***Blank Page***



## School Survey: Trainee Fees for Required Practicum Experience

Please answer the following questions about your school's MFT and PCC trainee practicum sites.

\* 1. Please indicate the type of license your program is preparing students for:

- Licensed Marriage and Family Therapist
- Licensed Professional Clinical Counselor
- Licensed Marriage and Family Therapist and Licensed Professional Clinical Counselor
- Other (please specify)

\* 2. At how many different agencies do you place trainees in a typical year?

**The following questions seek information about practicum sites that charge fees (paid either by the trainee or by the trainee's school) for the trainee to work at the site. When considering these questions, please do not consider any costs for fingerprints or background checks, that are passed along to the trainee or school, as a fee.**

\* 3. Of the agencies where you place trainees, how many of them charge fees for working there? (Please do not include agencies that only charge trainees for fingerprints or background checks in your total).

4. If a fee is charged by the practicum site, how is it paid?

- The school pays the fee, with zero cost to the trainee.
- The school pays the fee, and it is passed along to the trainee indirectly via tuition or other degree program costs
- The trainee pays the fee directly to the practicum site.

\* 5. Please estimate the percentage of your program's trainees in practicum who pay fees to their practicum site.

6. Does your school or program have any policies regarding practicum sites charging trainee fees? Please explain.

7. For each of your practicum sites that directly charge trainees a fee, please list the name of the site, each type of fee it charges trainees, and the amount. (For example: Site X - Training Fee \$100 per month, Supervision Fee \$100 per month)

8. If the trainee must pay a fee directly to the practicum site, when is he or she informed?

- Prior to enrollment in the degree program.
- Prior to the beginning of practicum coursework.
- When choosing a practicum site.
- When he or she begins work at the practicum site.
- Other (please explain)

9. If the trainee must pay a fee directly to the practicum site, how is he or she informed?

- Given verbal notice.
- Given written notice.
- Both.
- Other (please specify)

10. Of your practicum sites that charge trainee fees, do they offer any alternatives if the trainee is unable to pay? If so, please describe.

\* 11. How often do trainee fees impact where your program places trainees?

- Never
- Occasionally
- Often
- Always

\* 12. Do your students have the option to work for a practicum site that does not charge them fees?

- Yes
- No
- Other (please specify)

13. What barriers might students encounter if they seek to work at a practicum site that does not charge fees?

- Slots at these sites are limited and highly competitive.
- The sites are located too far away.
- The quality of the site is in question.
- Other (please specify)

14. Of your practicum sites that charge a fee, in which counties are they located?

\* 15. Has your school seen an increase in the number of practicum sites that charge fees to work there, as compared to the past?

- No
- Yes, slightly
- Yes, moderately
- Yes, greatly
- Unknown

16. If agencies that currently charge fees to trainees were to instead ask that your university pay the agency to cover those costs, what would your response likely be? (Please select all that apply.)

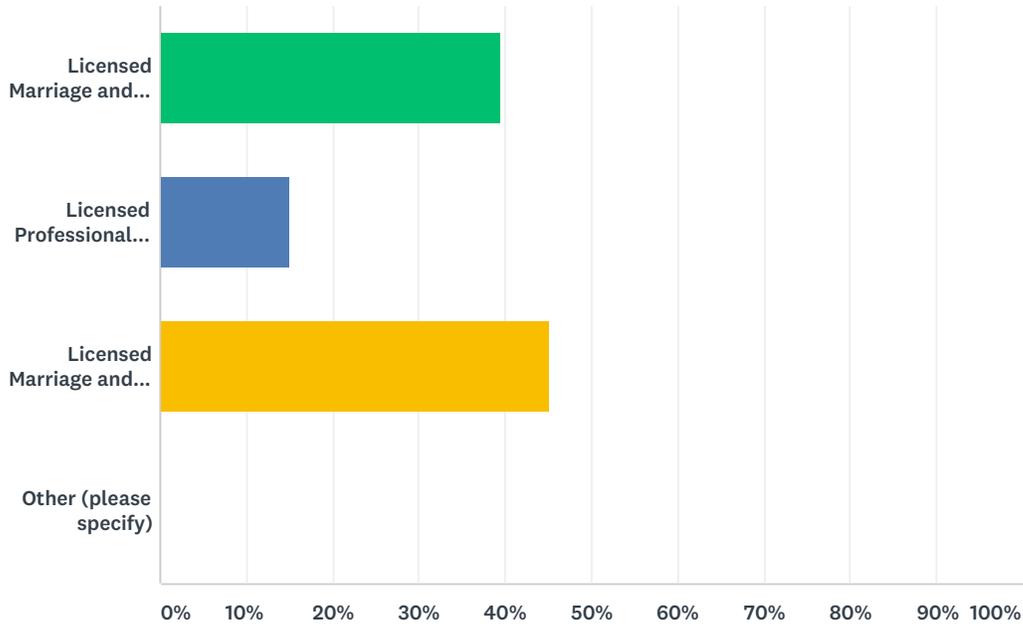
- We would not pay the fees.
- We would attempt to negotiate a fair and reasonable amount.
- We would pay what was requested and absorb the cost.
- We would pay what was requested, and pass the cost along to the student.

17. If your school pays fees to a practicum site in lieu of the trainees paying the site directly, please describe how this works (is it passed along, absorbed, etc.), and list the average amount paid by the school for each student.

18. Do you have any other thoughts on this topic that you would like to share?

Q1 Please indicate the type of license your program is preparing students for:

Answered: 53 Skipped: 0



ANSWER CHOICES	RESPONSES	
Licensed Marriage and Family Therapist	39.62%	21
Licensed Professional Clinical Counselor	15.09%	8
Licensed Marriage and Family Therapist and Licensed Professional Clinical Counselor	45.28%	24
Other (please specify)	0.00%	0
<b>TOTAL</b>		<b>53</b>

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

## Q2 At how many different agencies do you place trainees in a typical year?

Answered: 53 Skipped: 0

#	RESPONSES	DATE
1	four	1/15/2018 9:48 AM
2	11	1/10/2018 4:04 PM
3	40	1/10/2018 9:06 AM
4	2	1/9/2018 9:56 PM
5	20-30	1/9/2018 5:13 PM
6	15-20	1/9/2018 3:06 PM
7	25	1/9/2018 2:52 PM
8	5-10	1/9/2018 12:10 PM
9	30	1/8/2018 11:43 AM
10	About 15 to 20	1/5/2018 4:24 PM
11	45	1/4/2018 8:47 PM
12	20	1/4/2018 3:39 PM
13	20	1/4/2018 3:17 PM
14	15	1/4/2018 3:02 PM
15	14	1/4/2018 9:54 AM
16	20 on the average	1/3/2018 7:55 PM
17	10	1/3/2018 3:28 PM
18	Best estimate is 80	1/3/2018 12:42 PM
19	35	1/3/2018 12:26 PM
20	About 8	1/3/2018 12:02 PM
21	5-8	1/3/2018 11:44 AM
22	25	1/2/2018 11:39 AM
23	100	12/28/2017 1:05 PM
24	70	12/21/2017 6:51 PM
25	18-20	12/21/2017 10:53 AM
26	50	12/21/2017 8:58 AM
27	2-4	12/20/2017 10:11 PM
28	45	12/20/2017 9:13 PM
29	10	12/20/2017 3:50 PM
30	10-12	12/20/2017 11:09 AM
31	15-20	12/19/2017 8:33 PM
32	20	12/19/2017 8:17 PM
33	25	12/19/2017 4:34 PM
34	up to 10	12/19/2017 4:03 PM

School Survey: Trainee Fees for Required Practicum Experience

SurveyMonkey

35	Approximately 40 agencies	12/19/2017 3:40 PM
36	13	12/19/2017 2:50 PM
37	35-40	12/19/2017 2:39 PM
38	8	12/19/2017 2:16 PM
39	30-40	12/19/2017 12:55 PM
40	15	12/19/2017 12:22 PM
41	5 (our pre-LPCC suboption is tiny. It is an offshoot of our College and School Counseling programs. Most of our students are doing mental health counseling innK12 schools.	12/19/2017 11:23 AM
42	20	12/19/2017 11:16 AM
43	20-40	12/19/2017 11:12 AM
44	20	12/19/2017 10:55 AM
45	8	12/19/2017 10:54 AM
46	20	12/19/2017 10:47 AM
47	5	12/19/2017 10:33 AM
48	100	12/19/2017 10:26 AM
49	150	12/19/2017 10:13 AM
50	10	12/19/2017 10:12 AM
51	25+	12/19/2017 9:55 AM
52	4	12/19/2017 9:25 AM
53	4	12/19/2017 9:20 AM

Q3 Of the agencies where you place trainees, how many of them charge fees for working there? (Please do not include agencies that only charge trainees for fingerprints or background checks in your total).

Answered: 53 Skipped: 0

#	RESPONSES	DATE
1	0	1/15/2018 9:48 AM
2	N/A	1/10/2018 4:04 PM
3	0	1/10/2018 9:06 AM
4	0	1/9/2018 9:56 PM
5	None	1/9/2018 5:13 PM
6	0	1/9/2018 3:06 PM
7	none, though 2 do charge other schools	1/9/2018 2:52 PM
8	0	1/9/2018 12:10 PM
9	0	1/8/2018 11:43 AM
10	About 2-3 have some expenses not covered by the site but only one has charged a fee for being a part of a consortium as a requirement of the site	1/5/2018 4:24 PM
11	0	1/4/2018 8:47 PM
12	0	1/4/2018 3:39 PM
13	7	1/4/2018 3:17 PM
14	None	1/4/2018 3:02 PM
15	Zero	1/4/2018 9:54 AM
16	None. We do not accept placement that charge student's fees.	1/3/2018 7:55 PM
17	0	1/3/2018 3:28 PM
18	The school does not have access to this information	1/3/2018 12:42 PM
19	5	1/3/2018 12:26 PM
20	0	1/3/2018 12:02 PM
21	0	1/3/2018 11:44 AM
22	1	1/2/2018 11:39 AM
23	0	12/28/2017 1:05 PM
24	2	12/21/2017 6:51 PM
25	0	12/21/2017 10:53 AM
26	5	12/21/2017 8:58 AM
27	0	12/20/2017 10:11 PM
28	1	12/20/2017 9:13 PM
29	none	12/20/2017 3:50 PM
30	0	12/20/2017 11:09 AM
31	0	12/19/2017 8:33 PM
32	0	12/19/2017 8:17 PM

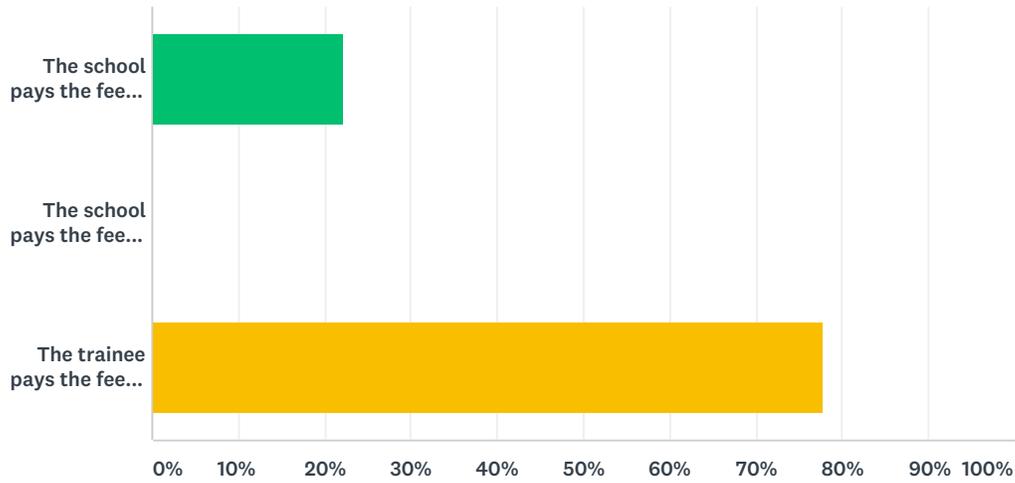
School Survey: Trainee Fees for Required Practicum Experience

SurveyMonkey

33	0	12/19/2017 4:34 PM
34	0	12/19/2017 4:03 PM
35	none; we do not contract with agencies that charge training fees	12/19/2017 3:40 PM
36	0	12/19/2017 2:50 PM
37	None.	12/19/2017 2:39 PM
38	0	12/19/2017 2:16 PM
39	0	12/19/2017 12:55 PM
40	0	12/19/2017 12:22 PM
41	1 (that I am aware of.). The trainees at schools are volunteers, but are not charged for their supervision. They have completed all courses for School Counselors to become credential Ed other than their Culminating Activity.	12/19/2017 11:23 AM
42	3	12/19/2017 11:16 AM
43	0	12/19/2017 11:12 AM
44	0	12/19/2017 10:55 AM
45	0	12/19/2017 10:54 AM
46	0	12/19/2017 10:47 AM
47	0	12/19/2017 10:33 AM
48	2	12/19/2017 10:26 AM
49	4	12/19/2017 10:13 AM
50	1	12/19/2017 10:12 AM
51	0	12/19/2017 9:55 AM
52	0	12/19/2017 9:25 AM
53	0	12/19/2017 9:20 AM

### Q4 If a fee is charged by the practicum site, how is it paid?

Answered: 18 Skipped: 35



ANSWER CHOICES	RESPONSES	
The school pays the fee, with zero cost to the trainee.	22.22%	4
The school pays the fee, and it is passed along to the trainee indirectly via tuition or other degree program costs	0.00%	0
The trainee pays the fee directly to the practicum site.	77.78%	14
<b>TOTAL</b>		<b>18</b>

## Q5 Please estimate the percentage of your program's trainees in practicum who pay fees to their practicum site.

Answered: 53 Skipped: 0

#	RESPONSES	DATE
1	0	1/15/2018 9:48 AM
2	N/A	1/10/2018 4:04 PM
3	0	1/10/2018 9:06 AM
4	n/a	1/9/2018 9:56 PM
5	Zero	1/9/2018 5:13 PM
6	0	1/9/2018 3:06 PM
7	0 the faculty won't let them. Sites have to waive fees for us	1/9/2018 2:52 PM
8	0	1/9/2018 12:10 PM
9	0	1/8/2018 11:43 AM
10	Less than 1%	1/5/2018 4:24 PM
11	0	1/4/2018 8:47 PM
12	0	1/4/2018 3:39 PM
13	75%	1/4/2018 3:17 PM
14	As far as I know, there are none that do this	1/4/2018 3:02 PM
15	Zero	1/4/2018 9:54 AM
16	None. They do pay a clinical fee for malpractice through the university. About 450 dollars total but this does not go to the practicum site.	1/3/2018 7:55 PM
17	0	1/3/2018 3:28 PM
18	The school does not have access to this information	1/3/2018 12:42 PM
19	2%	1/3/2018 12:26 PM
20	0	1/3/2018 12:02 PM
21	0	1/3/2018 11:44 AM
22	10	1/2/2018 11:39 AM
23	0	12/28/2017 1:05 PM
24	5%	12/21/2017 6:51 PM
25	0	12/21/2017 10:53 AM
26	10%	12/21/2017 8:58 AM
27	0	12/20/2017 10:11 PM
28	2%	12/20/2017 9:13 PM
29	0	12/20/2017 3:50 PM
30	0	12/20/2017 11:09 AM
31	0	12/19/2017 8:33 PM
32	0	12/19/2017 8:17 PM
33	0	12/19/2017 4:34 PM

School Survey: Trainee Fees for Required Practicum Experience

SurveyMonkey

34	0	12/19/2017 4:03 PM
35	0%	12/19/2017 3:40 PM
36	0	12/19/2017 2:50 PM
37	0	12/19/2017 2:39 PM
38	0	12/19/2017 2:16 PM
39	0	12/19/2017 12:55 PM
40	0	12/19/2017 12:22 PM
41	20%	12/19/2017 11:23 AM
42	1	12/19/2017 11:16 AM
43	0	12/19/2017 11:12 AM
44	0% (we do not allow site that charge students)	12/19/2017 10:55 AM
45	0 - we don't allow them do go to sites that charge; it's exploitative	12/19/2017 10:54 AM
46	0	12/19/2017 10:47 AM
47	0	12/19/2017 10:33 AM
48	this year 1 student	12/19/2017 10:26 AM
49	5%	12/19/2017 10:13 AM
50	1	12/19/2017 10:12 AM
51	0	12/19/2017 9:55 AM
52	0	12/19/2017 9:25 AM
53	0	12/19/2017 9:20 AM

## Q6 Does your school or program have any policies regarding practicum sites charging trainee fees? Please explain.

Answered: 51 Skipped: 2

#	RESPONSES	DATE
1	unknown	1/15/2018 9:48 AM
2	N/A	1/10/2018 4:04 PM
3	Yes, we do not support or promote practicum sites charging students.	1/10/2018 9:06 AM
4	no, but we would be highly reluctant to allow a student to go to a site that charged the student a fee to be trained	1/9/2018 9:56 PM
5	Not allowed	1/9/2018 5:13 PM
6	Students do not incur any additional fees while they are in practicum. Any trainings that are required are paid for by the practicum site.	1/9/2018 3:06 PM
7	yes, the full faculty consistently votes to not allow trainees to pay for any required supervision or training. If the student wants extra trainings they may pay.	1/9/2018 2:52 PM
8	We do not currently have a policy, since we have not had sites require this. If they did, most likely we would not approved them as a site.	1/9/2018 12:10 PM
9	Yes, it is not allowed.	1/8/2018 11:43 AM
10	No specific policies but some sites don't have the required supervision and students need to pay an off-site supervisor and we require the BBS letter for outside supervisors	1/5/2018 4:24 PM
11	We do not use or endorse them. Or we work out a deal that our students do not pay.	1/4/2018 8:47 PM
12	Yes, we do not permit Trainees to pay for supervision. At the present time, all of our approved training sites do not charge a fee for training.	1/4/2018 3:39 PM
13	No	1/4/2018 3:17 PM
14	We would not want our students to go somewhere that had a fee requirement, thus we never have promoted this and never encouraged it.	1/4/2018 3:02 PM
15	We do not place trainees at sites who charge.	1/4/2018 9:54 AM
16	Yes. We would not accept them. Students already pay a lot to go to school and thus we try to find placement sites that pay them (not too many do).	1/3/2018 7:55 PM
17	No	1/3/2018 3:28 PM
18	The school is not involved with any site policies regarding sites charging trainee fees.	1/3/2018 12:42 PM
19	no	1/3/2018 12:26 PM
20	No. Not an issue for us.	1/3/2018 12:02 PM
21	Our practicum sites do not charge trainees for fees. Neither do we allow our trainees to be paid by practicum sites during their training.	1/3/2018 11:44 AM
22	no	1/2/2018 11:39 AM
23	Yes. We dont partner if there are fees.	12/28/2017 1:05 PM
24	We inform the students ahead of time that the agencies charge fees and the amount that they charge. We do not encourage students to be placed at these sites, but we allow them to make their own choice.	12/21/2017 6:51 PM
25	No	12/21/2017 10:53 AM
26	We strongly discourage against placements that charge trainees.	12/21/2017 8:58 AM
27	no, trainees make their own arrangements for practicum	12/20/2017 10:11 PM

School Survey: Trainee Fees for Required Practicum Experience

SurveyMonkey

28	No policies but we do not encourage it or seek out and maintain agencies that charge fees.	12/20/2017 9:13 PM
29	no. We've never had this issue come up.	12/20/2017 3:50 PM
30	Not that I know of. This has never been relevant to our training sites.	12/20/2017 11:09 AM
31	No, but we would discourage placement at any site which charged a fee.	12/19/2017 8:33 PM
32	No	12/19/2017 4:34 PM
33	We do not allow our students to attend sites that charge them. That is not ok to do to people who are giving their services to them for little or no pay.	12/19/2017 4:03 PM
34	Our program will not contract with agencies charging trainee fees.	12/19/2017 3:40 PM
35	We don't accept practicum sites that charge training fees.	12/19/2017 2:50 PM
36	Yes, it is indicated in our clinical affiliation agreement (contract) which is signed by site and university.	12/19/2017 2:39 PM
37	No official policy, but we would avoid such by recommending trainees go elsewhere for experience.	12/19/2017 2:16 PM
38	We will not work with sites that charge trainees.	12/19/2017 12:22 PM
39	No.	12/19/2017 11:23 AM
40	None, we provide the student information on the sites that do and do not charge equally and it is their choice to work with their DOT to pursue the site of their choosing at their own expense.	12/19/2017 11:16 AM
41	No an official policy, but we would not partner with a site that charged a fee to our students	12/19/2017 11:12 AM
42	Yes. We do not approve sites that charge students fees.	12/19/2017 10:55 AM
43	Yes, we don't allow them to go to sites that charge. They are giving free work to the site. Free supervision is their fair pay in return.	12/19/2017 10:54 AM
44	We would not use a site in which we would have to pay them to have a trainee receive their training there.	12/19/2017 10:47 AM
45	We will not send students to these sites. Sites benefit from having trainees.	12/19/2017 10:33 AM
46	no	12/19/2017 10:26 AM
47	The university no longer approves practicum sites that charge fees. We have three agencies on the approved practicum site list that were contracted before this policy was created and these agencies are still available for MFT students from our university. The agencies that charge fees tend to be in the Los Angeles area and we are reviewing the need to continue with these agencies or drop them from the list.	12/19/2017 10:13 AM
48	We strongly advise students from choosing the site, but due to reputation of the site and promixity to campus, students from time to time have selected this site.	12/19/2017 10:12 AM
49	We do not partner with any sites that charge our trainees fees.	12/19/2017 9:55 AM
50	Most agencies either pay for background clearances, etc. or need qualified trainees, so fees are not charged. The school/college has policies regarding fees for other programs not leading to the LPCC. Usually, it's standard of practice in the area that fees are not charged.	12/19/2017 9:25 AM
51	We would not approve a site that charged fees to its trainees.	12/19/2017 9:20 AM

**Q7 For each of your practicum sites that directly charge trainees a fee, please list the name of the site, each type of fee it charges trainees, and the amount. (For example: Site X - Training Fee \$100 per month, Supervision Fee \$100 per month)**

Answered: 37 Skipped: 16

#	RESPONSES	DATE
1	none	1/15/2018 9:48 AM
2	N/A	1/10/2018 4:04 PM
3	N/A	1/10/2018 9:06 AM
4	n/a	1/9/2018 9:56 PM
5	N/A	1/9/2018 3:06 PM
6	Outreach Concern wanted to charge but we pulled our students until they relented. CIFC in LA charges \$100/month for indiv sup & !00/mo for group sup so we discourage students from going there	1/9/2018 2:52 PM
7	We have had sites charge trainees if they want additional supervision above the required amount or if they want to have more clients so increased supervision. For example, one of our students is at Turning Point Center for Families in Costa Mesa and they offer group supervision for no cost. If the trainee desires to have individual supervision they must pay a supervision fee. I do not know the amount they charge. There have been a few other sites in the past that have a similar arrangement, but we do not currently have students at those sites.	1/9/2018 12:10 PM
8	0	1/8/2018 11:43 AM
9	None of the sites are set up that way that I know about. We have a couple of sites without the required supervision and if a student were to choose that site they know up front they are to secure supervision and we have some options to assist them if needed. I generally don't encourage students to go to placements without the supervision provided unless it's a unique circumstance.	1/5/2018 4:24 PM
10	(Figures are approximate) CalFam Counseling - \$600 per year Airport Marina Counseling Center - \$600 per year Center for Individual and Family Counseling - \$1,000 per year West Valley Counseling Center - \$1,200 per year San Fernando Valley Counseling Center - \$500 per year Counseling Partners of Los Angeles - \$600 per year Southern California Counseling Center - \$800 year	1/4/2018 3:17 PM
11	NA	1/3/2018 7:55 PM
12	n/a	1/3/2018 3:28 PM
13	The school does not have access to this information.	1/3/2018 12:42 PM
14	Airport Marina Counseling Center training fee \$75?per month Counseling West training fee \$60? per month Family Service Agency of Burbank training fee \$75? per month The Maple Counseling Center supervision fee ??? Southern Ca Counseling Center training fee \$60?per month	1/3/2018 12:26 PM
15	N/A	1/3/2018 12:02 PM
16	n/a	1/3/2018 11:44 AM
17	Community Counseling Education Center - Training fee	1/2/2018 11:39 AM
18	Na	12/28/2017 1:05 PM
19	Counseling West \$500.00 flat administrative fee Relational Center \$250.00/month	12/21/2017 6:51 PM
20	Site in Santa Cruz - \$900 overall Multiple sites in Los Angeles - \$100/week or \$500/month	12/21/2017 8:58 AM
21	na	12/20/2017 10:11 PM
22	I do not have this information at this time.	12/20/2017 9:13 PM

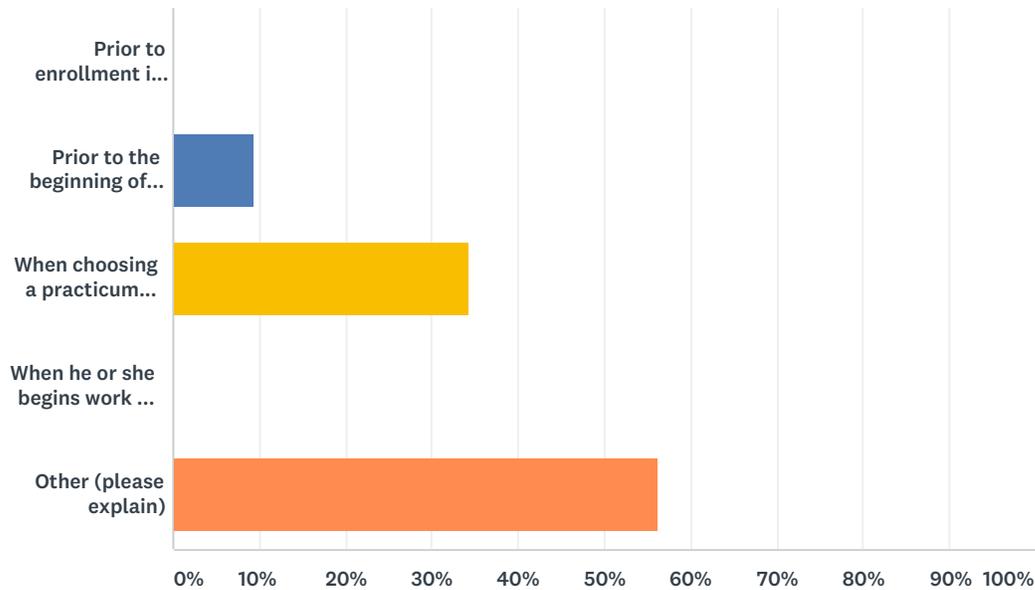
School Survey: Trainee Fees for Required Practicum Experience

SurveyMonkey

23	DNA	12/20/2017 3:50 PM
24	NA	12/19/2017 2:50 PM
25	n/a	12/19/2017 2:39 PM
26	NA	12/19/2017 12:22 PM
27	San Fernando Valley Counseling Center. No training fee (that I am aware of) and \$80/Mon for supervision.	12/19/2017 11:23 AM
28	Site X-Training Fee 75\$ per month Site XY-Training Fee 150\$ per month	12/19/2017 11:16 AM
29	N/A	12/19/2017 11:12 AM
30	N/A	12/19/2017 10:55 AM
31	N/A	12/19/2017 10:54 AM
32	N/A	12/19/2017 10:33 AM
33	Airport Marina training fee 1,000.00/2 year	12/19/2017 10:26 AM
34	Airport Marina Counseling Center - students are required to complete a 36 hour, 12 week training prior to commencing the practicum entitled "Step by Step". The training costs \$1000 and is not covered by the agency. South Bay Center for Counseling - Students are required to pay a monthly \$75 "commitment fee" for the duration of practicum experience; this is used to cover the cost of training and supervision. Southern California Counseling Center - This agency requires a \$70 per month administrative fee and require a 2 year commitment from the student The Center for Individual and Family Counseling - This site requests a 15 month commitment and there is a \$100 per month fee for group supervision	12/19/2017 10:13 AM
35	Turning Point Center for Families - \$25 per Individual Supervision Hour. Group Supervision is provided at no charge.	12/19/2017 10:12 AM
36	N/A	12/19/2017 9:55 AM
37	N/A	12/19/2017 9:25 AM

### Q8 If the trainee must pay a fee directly to the practicum site, when is he or she informed?

Answered: 32 Skipped: 21



ANSWER CHOICES	RESPONSES
Prior to enrollment in the degree program.	0.00% 0
Prior to the beginning of practicum coursework.	9.38% 3
When choosing a practicum site.	34.38% 11
When he or she begins work at the practicum site.	0.00% 0
Other (please explain)	56.25% 18
<b>TOTAL</b>	<b>32</b>

#	OTHER (PLEASE EXPLAIN)	DATE
1	N/A	1/10/2018 4:04 PM
2	N/A	1/10/2018 9:06 AM
3	n/a	1/9/2018 9:56 PM
4	N/A	1/9/2018 3:06 PM
5	na	1/8/2018 11:43 AM
6	If a student desired to work at an agency charging a fee they would need to understand it is not endorsed by school and a choice the student is making alone to pay	1/4/2018 8:47 PM
7	During the interview process at the agency	1/4/2018 3:17 PM
8	NA	1/3/2018 7:55 PM
9	NA	1/3/2018 12:02 PM
10	n/a	1/3/2018 11:44 AM
11	We dont	12/28/2017 1:05 PM

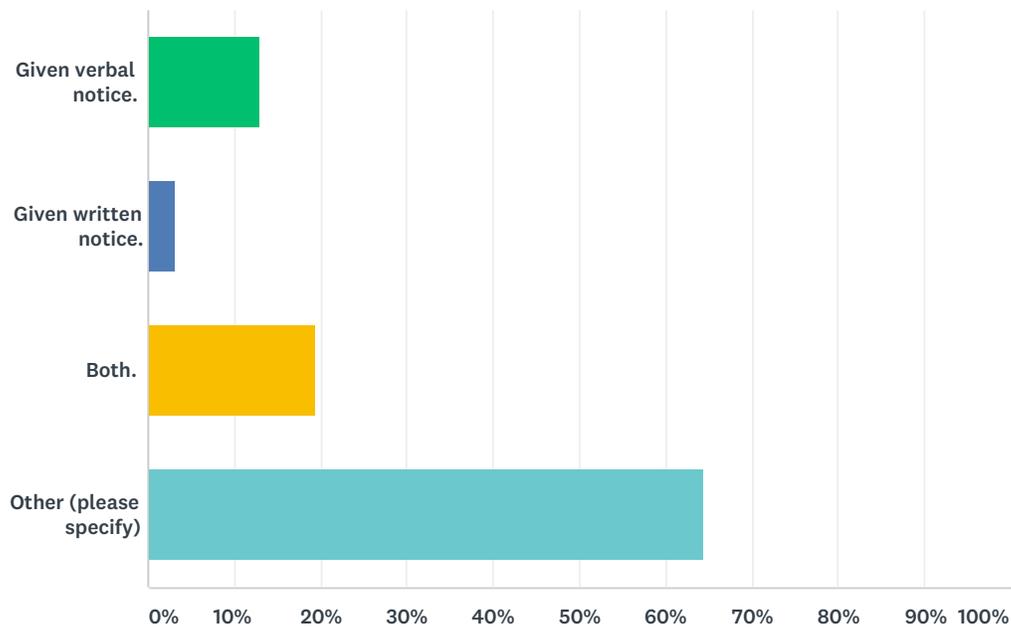
## School Survey: Trainee Fees for Required Practicum Experience

SurveyMonkey

12	na	12/20/2017 10:11 PM
13	DNA	12/20/2017 3:50 PM
14	Trainees at our university don't pay fees to practicum sites	12/19/2017 2:50 PM
15	One year before practicum placement the student is given information on the Practicum Experience in a series of Practicum Preparation Workshops, ie Fall 2017 information is given to prepare for Fall 2018 Practicum I start date.	12/19/2017 11:16 AM
16	N/A	12/19/2017 10:55 AM
17	N/A	12/19/2017 10:33 AM
18	N/A	12/19/2017 9:25 AM

### Q9 If the trainee must pay a fee directly to the practicum site, how is he or she informed?

Answered: 31 Skipped: 22



ANSWER CHOICES	RESPONSES
Given verbal notice.	12.90% 4
Given written notice.	3.23% 1
Both.	19.35% 6
Other (please specify)	64.52% 20
<b>TOTAL</b>	<b>31</b>

#	OTHER (PLEASE SPECIFY)	DATE
1	N/A	1/10/2018 4:04 PM
2	N/A	1/10/2018 9:06 AM
3	N/A	1/9/2018 3:06 PM
4	I do not know	1/9/2018 12:10 PM
5	na	1/8/2018 11:43 AM
6	worked out individually, and transparently with site	1/4/2018 8:47 PM
7	NA	1/3/2018 7:55 PM
8	The school does not have access to this information.	1/3/2018 12:42 PM
9	N/A	1/3/2018 12:02 PM
10	n/a	1/3/2018 11:44 AM
11	Student interviews and chooses site if accepted	1/2/2018 11:39 AM
12	We dont	12/28/2017 1:05 PM

13	I lost this information on the approved site list. Agencies would have their own process that varies.	12/21/2017 6:51 PM
14	na	12/20/2017 10:11 PM
15	DNA	12/20/2017 3:50 PM
16	Trainees don't pay fees to practicum sites	12/19/2017 2:50 PM
17	N/A	12/19/2017 10:55 AM
18	N/A	12/19/2017 10:33 AM
19	We list it on the agency page in our database	12/19/2017 10:26 AM
20	N/A	12/19/2017 9:25 AM

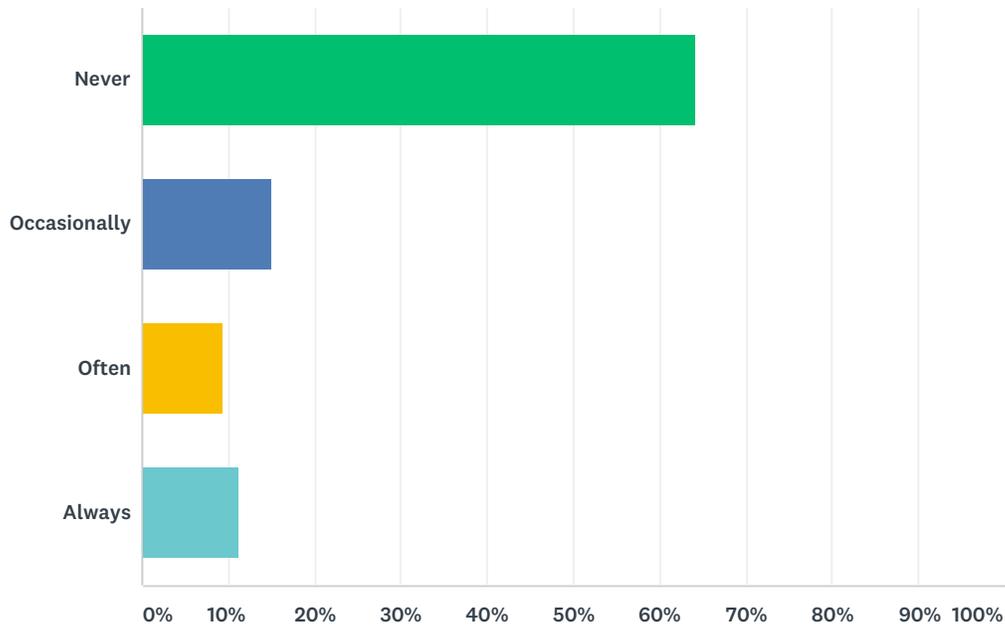
## Q10 Of your practicum sites that charge trainee fees, do they offer any alternatives if the trainee is unable to pay? If so, please describe.

Answered: 33 Skipped: 20

#	RESPONSES	DATE
1	N/A	1/10/2018 4:04 PM
2	N/A	1/10/2018 9:06 AM
3	n/a	1/9/2018 9:56 PM
4	N/A students do not pay any fees.	1/9/2018 3:06 PM
5	don't know because we "head that off at the pass" by not allowing our students to be charged. If they want our trainees, they have to absorb the cost, not our students	1/9/2018 2:52 PM
6	N/A	1/9/2018 12:10 PM
7	na	1/8/2018 11:43 AM
8	No	1/5/2018 4:24 PM
9	Our students do not pay through an agreement with the school	1/4/2018 8:47 PM
10	Center for Individual and Counseling get a discount by providing office work.	1/4/2018 3:17 PM
11	NA	1/3/2018 7:55 PM
12	n/a	1/3/2018 3:28 PM
13	The school does not have access to this information.	1/3/2018 12:42 PM
14	no	1/3/2018 12:26 PM
15	N/A	1/3/2018 12:02 PM
16	n/a	1/3/2018 11:44 AM
17	I believe they offer discount for Spanish speaking trainees	1/2/2018 11:39 AM
18	We dont have fee sites	12/28/2017 1:05 PM
19	Not that I know of.	12/21/2017 6:51 PM
20	No alternatives given.	12/21/2017 8:58 AM
21	na	12/20/2017 10:11 PM
22	I do not know as we move away from any agency wanting to charge trainees.	12/20/2017 9:13 PM
23	DNA	12/20/2017 3:50 PM
24	NA	12/19/2017 2:50 PM
25	Not that I am aware of.	12/19/2017 11:23 AM
26	unsure	12/19/2017 11:16 AM
27	N/A	12/19/2017 10:55 AM
28	N/A	12/19/2017 10:54 AM
29	N/A	12/19/2017 10:33 AM
30	not to my knowledge	12/19/2017 10:26 AM
31	Not that I am aware of.	12/19/2017 10:13 AM
32	Yes the site offers 1 unit (2hrs) of group supervision at no charge.	12/19/2017 10:12 AM
33	N/A	12/19/2017 9:25 AM

### Q11 How often do trainee fees impact where your program places trainees?

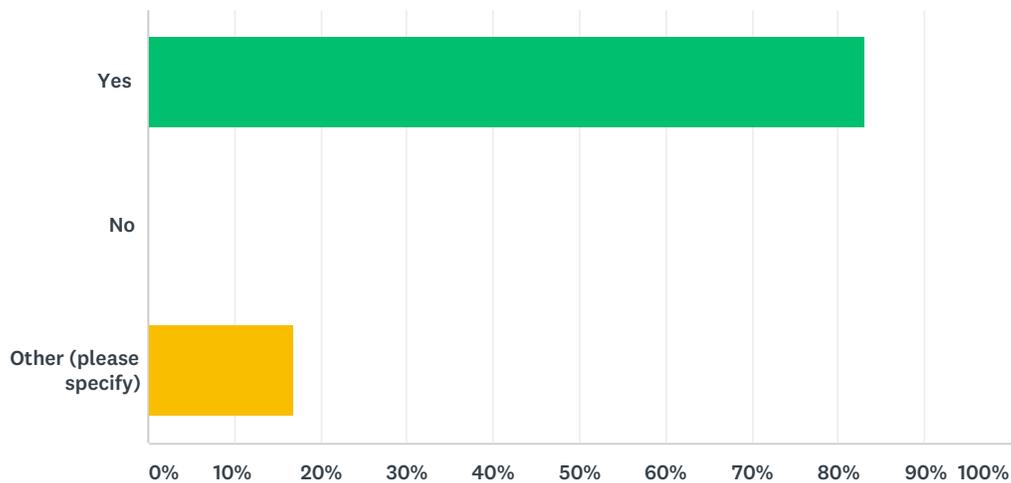
Answered: 53 Skipped: 0



ANSWER CHOICES	RESPONSES	
Never	64.15%	34
Occasionally	15.09%	8
Often	9.43%	5
Always	11.32%	6
<b>TOTAL</b>		<b>53</b>

## Q12 Do your students have the option to work for a practicum site that does not charge them fees?

Answered: 53 Skipped: 0

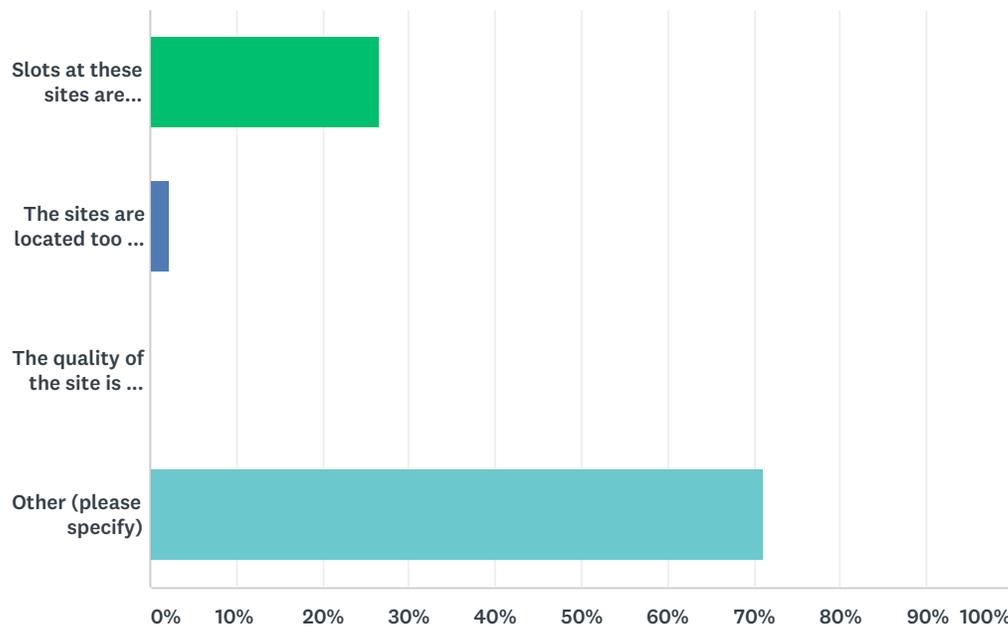


ANSWER CHOICES	RESPONSES	
Yes	83.02%	44
No	0.00%	0
Other (please specify)	16.98%	9
<b>TOTAL</b>		<b>53</b>

#	OTHER (PLEASE SPECIFY)	DATE
1	N/A	1/10/2018 4:04 PM
2	It's their only option!	1/9/2018 5:13 PM
3	None of our agencies require trainees to pay fees	1/4/2018 3:02 PM
4	A student can obtain pay (within legal limits) like a stipends etc. They cannot work as an employee.	1/3/2018 7:55 PM
5	Student's in this M.A. Counseling Psychology Program independently choose a site for placement. The school does not place trainees at sites.	1/3/2018 12:42 PM
6	None of our sites charge fees.	1/3/2018 12:02 PM
7	Yes but there are significant delays and difficulties finding placements in certain areas that do not charge. For example, in Los Angeles, charging is the norm.	12/21/2017 8:58 AM
8	not applicable	12/19/2017 3:40 PM
9	Always; We will not have students placed at these sites	12/19/2017 10:33 AM

### Q13 What barriers might students encounter if they seek to work at a practicum site that does not charge fees?

Answered: 45 Skipped: 8



ANSWER CHOICES	RESPONSES	
Slots at these sites are limited and highly competitive.	26.67%	12
The sites are located too far away.	2.22%	1
The quality of the site is in question.	0.00%	0
Other (please specify)	71.11%	32
<b>TOTAL</b>		<b>45</b>

#	OTHER (PLEASE SPECIFY)	DATE
1	N/A	1/10/2018 4:04 PM
2	None	1/10/2018 9:06 AM
3	We only have students at sites that do not charge fees	1/9/2018 9:56 PM
4	N/A	1/9/2018 3:06 PM
5	None, in Orange County it is not customary to charge, so it's not a drawback for our students	1/9/2018 2:52 PM
6	N/A	1/9/2018 12:10 PM
7	NA	1/8/2018 11:43 AM
8	We have a lot of high quality practicum sites which don't charge fees, so students have many options without much barrier. If it's a certain population they want to work with that only has no supervisor provided then one barrier to a site not charging would be not having the type of experience they hoped for.	1/5/2018 4:24 PM
9	In the LA region, there are ample opportunities to work for quality sites that do not charge fees	1/4/2018 8:47 PM
10	None.	1/4/2018 3:17 PM

School Survey: Trainee Fees for Required Practicum Experience

SurveyMonkey

11	Since there are many options for student trainees, we recommend they apply early in the year.	1/4/2018 3:02 PM
12	Since we do not place students at sites who might charge a fee, there are no barriers.	1/4/2018 9:54 AM
13	Usually, this demonstrates the site is truly interested in training a student and putting energy into their growth. There are no barriers - I see it as a barrier if they charge fees.	1/3/2018 7:55 PM
14	The school does not have access to this information since students interview with many sites and select a site by choice.	1/3/2018 12:42 PM
15	There are few barriers. We have 74 affiliated sites, only 5 of which charge fees.	1/3/2018 12:26 PM
16	No barriers...all our students are placed.	1/3/2018 12:02 PM
17	n/a	1/3/2018 11:44 AM
18	Student's have many options of site. Most are unpaid though	1/2/2018 11:39 AM
19	We organize these seats and assure there are enough.	12/28/2017 1:05 PM
20	I find that students who have difficulty making positive first impressions feel limited and may opt for a site they pay; most Approved sites do not charge and students are not affected.	12/21/2017 6:51 PM
21	None	12/20/2017 9:13 PM
22	DNA	12/20/2017 3:50 PM
23	Not applicable	12/20/2017 11:09 AM
24	None, I don't know of any that do charge.	12/19/2017 8:33 PM
25	not applicable	12/19/2017 3:40 PM
26	Should be able to choose multiple: A & B	12/19/2017 2:16 PM
27	No barriers. Our sites seek out our students.	12/19/2017 12:55 PM
28	None that I'm aware of ... didn't know sites charged fees	12/19/2017 11:12 AM
29	Time that is required to be at the site and location to home or school. Full-time working students need sites with late evening hours and/or weekend options- these are not as common.	12/19/2017 10:47 AM
30	We have had no problem placing students at sites that do not charge fess, however we are a small program (12) with a highly selective admissions process and thus have excellent trainee practicum applicants.	12/19/2017 10:33 AM
31	none	12/19/2017 10:26 AM
32	There are no barriers or disadvantages that I am aware of. The agencies that charge a fee are typically as difficult or more difficult to get into. They do not take more trainees and students are usually unhappy about paying. The agencies that charge fees are usually the last choice not the first. Students feel taken advantage of; they do not believe it is worth the money and there are ethical concerns. The University retains agencies that charge fees only to provide more options to students but we discourage using these agencies. As noted we will likely be dropping agencies that charge from our approved practicum site list.	12/19/2017 10:13 AM

## Q14 Of your practicum sites that charge a fee, in which counties are they located?

Answered: 34 Skipped: 19

#	RESPONSES	DATE
1	N/A	1/10/2018 4:04 PM
2	N/A	1/10/2018 9:06 AM
3	All of our students are at site in Humboldt County	1/9/2018 9:56 PM
4	N/A	1/9/2018 3:06 PM
5	LA	1/9/2018 2:52 PM
6	Orange and LA	1/9/2018 12:10 PM
7	NA	1/8/2018 11:43 AM
8	San Diego	1/5/2018 4:24 PM
9	There are few in LA County	1/4/2018 8:47 PM
10	L.A.	1/4/2018 3:17 PM
11	NA	1/3/2018 7:55 PM
12	n/a	1/3/2018 3:28 PM
13	Students in this M.A. Counseling Psychology Program come from varying counties throughout CA, the United States, and other countries such as Canada, Mexico, Japan, Singapore, and Taiwan.	1/3/2018 12:42 PM
14	Los Angeles County	1/3/2018 12:26 PM
15	N/A	1/3/2018 12:02 PM
16	n/a	1/3/2018 11:44 AM
17	Santa Barbara	1/2/2018 11:39 AM
18	Na	12/28/2017 1:05 PM
19	LA	12/21/2017 6:51 PM
20	Los Angeles County and Orange County Santa Cruz County	12/21/2017 8:58 AM
21	na	12/20/2017 10:11 PM
22	Santa Clara County	12/20/2017 9:13 PM
23	DNA	12/20/2017 3:50 PM
24	does not apply	12/19/2017 4:03 PM
25	NA	12/19/2017 2:50 PM
26	Los Angeles	12/19/2017 11:23 AM
27	Los Angeles	12/19/2017 11:16 AM
28	N/A	12/19/2017 10:55 AM
29	N/A	12/19/2017 10:54 AM
30	N/A	12/19/2017 10:33 AM
31	los angeles	12/19/2017 10:26 AM
32	Los Angeles County	12/19/2017 10:13 AM
33	Orange	12/19/2017 10:12 AM

---

34

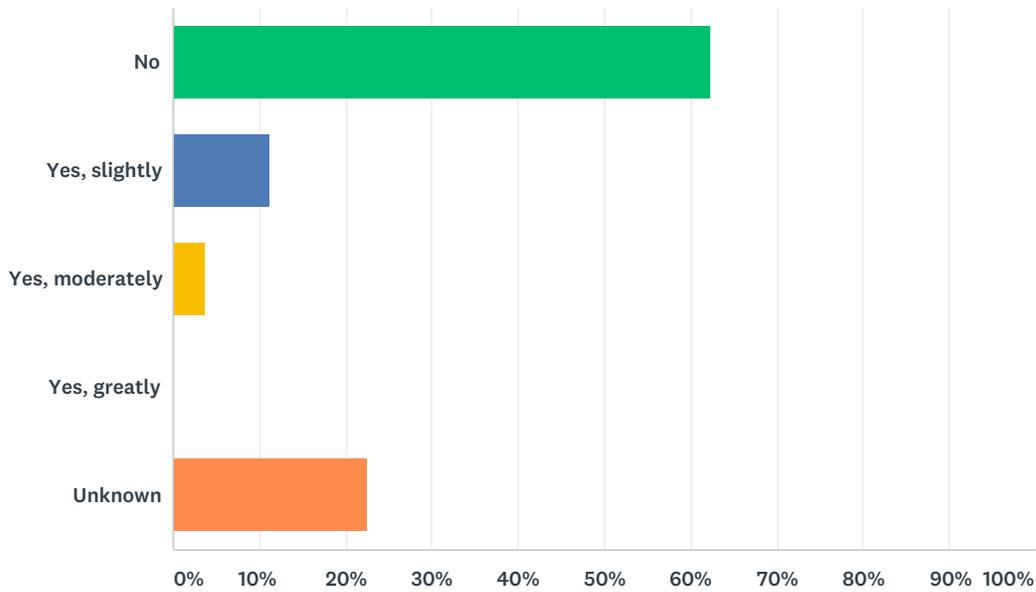
N/A

12/19/2017 9:25 AM

---

### Q15 Has your school seen an increase in the number of practicum sites that charge fees to work there, as compared to the past?

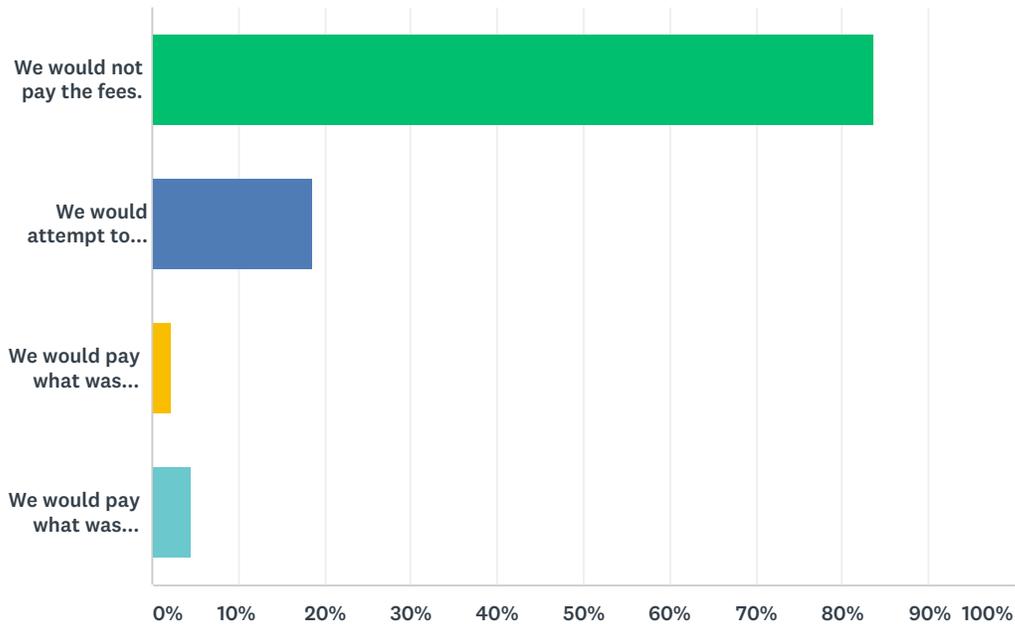
Answered: 53 Skipped: 0



ANSWER CHOICES	RESPONSES	
No	62.26%	33
Yes, slightly	11.32%	6
Yes, moderately	3.77%	2
Yes, greatly	0.00%	0
Unknown	22.64%	12
<b>TOTAL</b>		<b>53</b>

### Q16 If agencies that currently charge fees to trainees were to instead ask that your university pay the agency to cover those costs, what would your response likely be? (Please select all that apply.)

Answered: 43 Skipped: 10



ANSWER CHOICES	RESPONSES	
We would not pay the fees.	83.72%	36
We would attempt to negotiate a fair and reasonable amount.	18.60%	8
We would pay what was requested and absorb the cost.	2.33%	1
We would pay what was requested, and pass the cost along to the student.	4.65%	2
Total Respondents: 43		

**Q17 If your school pays fees to a practicum site in lieu of the trainees paying the site directly, please describe how this works (is it passed along, absorbed, etc.), and list the average amount paid by the school for each student.**

Answered: 32 Skipped: 21

#	RESPONSES	DATE
1	N/A	1/10/2018 4:04 PM
2	N/A	1/10/2018 9:06 AM
3	n/a	1/9/2018 9:56 PM
4	N/A	1/9/2018 3:06 PM
5	N/A	1/9/2018 2:52 PM
6	N/A	1/9/2018 12:10 PM
7	We don't encounter these types of sites.	1/8/2018 11:43 AM
8	We paid a consortium fee of about \$25 that was required and usually paid for by the student, but the school just absorbed the fee. That site doesn't exist anymore since it was bought by another agency.	1/5/2018 4:24 PM
9	not done	1/4/2018 8:47 PM
10	n/a	1/4/2018 3:17 PM
11	NA	1/3/2018 7:55 PM
12	n/a	1/3/2018 3:28 PM
13	This would be a decision that is considered after careful review at a Board level and exceeds my expertise and position.	1/3/2018 12:42 PM
14	NA	1/3/2018 12:26 PM
15	N/A	1/3/2018 12:02 PM
16	n/a	1/3/2018 11:44 AM
17	n/a	1/2/2018 11:39 AM
18	Na	12/28/2017 1:05 PM
19	I see this as a dual relationship. Students interview and compete for Placement. If one university pays and another does not, there is a bias for hiring trainees	12/21/2017 6:51 PM
20	N/A	12/21/2017 8:58 AM
21	na	12/20/2017 10:11 PM
22	Na	12/20/2017 9:13 PM
23	DNA	12/20/2017 3:50 PM
24	Our school doesn't pay fees to practicum sites	12/19/2017 2:50 PM
25	Not applicable	12/19/2017 11:23 AM
26	N/A	12/19/2017 10:55 AM
27	N/A	12/19/2017 10:54 AM
28	N/A	12/19/2017 10:33 AM
29	too early to comment on this.	12/19/2017 10:26 AM

---

30	The university does not pay fees. The agency is usually getting free help; it is a win/win situation.	12/19/2017 10:13 AM
31	We do not do this.	12/19/2017 10:12 AM
32	N/A	12/19/2017 9:25 AM

---

## Q18 Do you have any other thoughts on this topic that you would like to share?

Answered: 41 Skipped: 12

#	RESPONSES	DATE
1	There is no remuneration associated with students' services provided at agencies.	1/10/2018 4:04 PM
2	I am very glad that our students do not need to pay for practicum experience.	1/9/2018 9:56 PM
3	We have never contracted with any agency that would charge a trainee a fee.	1/9/2018 5:13 PM
4	No, just curious if sites are planning to charge students to complete practicum in the near future?	1/9/2018 3:06 PM
5	Students work for free doing the labor sites need to survive. That should be enough, without charging them fees. I think this is part of the labor board issue that you can't charge an apprentice for what is needed to do the job (i.e., supervision & trainings). The site does not need to offer costly trainings; associates can get them later on. As a State school, the only one training LMFT/LPCCs in OC, we protect our students from extra fees. That's a culture, and can be fostered.	1/9/2018 2:52 PM
6	I do have concerns about sites who only offer individual supervision if the trainee pays for it. We often discuss the pros and cons with the student and site about this and encourage the student to consider other sites. We have on-campus counseling clinics for our students to practice so the number of externships we have each year is limited and this doesn't seem to be a big problem for us. However, I believe if BBS instituted regulations around this, it could be beneficial for training practitioners.	1/9/2018 12:10 PM
7	na	1/8/2018 11:43 AM
8	In San Diego we don't really have many sites that have a practicum fee	1/5/2018 4:24 PM
9	My university strongly feels that students should not be paying a fee and consequently does not place students in those agencies to support this practice. Luckily we live in a LA where there are ample other choices	1/4/2018 8:47 PM
10	The program listed as CalFam above is our on-site community mental health program. We see clients on a sliding scale that goes down to \$5. The \$200 per semester we charge our trainees doesn't begin to cover our costs. Our counseling center loses about \$300,000 per year, and is underwritten by the university. We also pay our supervisors below-market for their services. The people who would be hurt by eliminating these supervision fees would be the public - the consumer - who would not be able to afford the increase in rates for mental health services.	1/4/2018 3:17 PM
11	It is unfortunate, in my opinion, if sites charge student's fees. The cost of education is already out of site. After they graduate, we tell them to get a job and not pay for supervision.	1/3/2018 7:55 PM
12	No	1/3/2018 3:28 PM
13	This survey is not asking questions that can be adequately answered by the Counseling Program staff/ directors, etc. who are speaking on behalf of the student/ trainees who attend the program. Keep in mind that monthly site fees often include ongoing theoretical trainings, and/ or access to highly qualified supervisors in a structured atmosphere with the assurance of an ongoing client base. Students seem willing to pay monthly for trainee positions at organized sites that offer these services. Consider that this questionnaire is too broad in its focus. All training sites are not the same or equivalent as training centers. Students in this school's program seek out experienced clinicians as mentors and supervisors, because they typically model a high level of legal and ethical behavior while providing a stimulating field experience. The school appreciates the work that you are doing here. Thank you.	1/3/2018 12:42 PM
14	Of the sites listed, I am troubled only by Family Services of Burbank which receives considerable public funds from the City of Burbank. The other sites accept no public funds.	1/3/2018 12:26 PM
15	No	1/3/2018 12:02 PM
16	Not at this time.	1/3/2018 11:44 AM
17	n/a	1/2/2018 11:39 AM

18	We might need to pay fees at some point as supervision costs, rent and other expenses that agencies bear are related. It is a trickle down effect of globalization and disruptive tech.	12/28/2017 1:05 PM
19	Trainees already pay universities for their education and universities are the primary gatekeeper. Agencies that charge trainees are not treating their trainees as employees/volunteers. It becomes a different power dynamic that is unhealthy for training, client care and gatekeeping of the profession. Trainees cannot be both a volunteer and a payor.	12/21/2017 6:51 PM
20	Charging for supervision is akin to charging an office worker for the use of his/her computer. Our code of ethics requires a level of altruism and trainees need supervision in order to get licensed. Each practitioner had to follow the same path and should be willing to invest in the future of our profession.	12/21/2017 8:58 AM
21	no	12/20/2017 10:11 PM
22	Trainees should not pay any fees.	12/20/2017 9:13 PM
23	I had no idea that there were sites that charged fees.	12/20/2017 3:50 PM
24	I don't think our university would pay a fee.	12/20/2017 11:09 AM
25	It seems deplorable that an agency would charge an intern (pre degree) to work there. These are students that work very hard for little to no compensation. Agency slots that do not charge are very competitive, but our students do well. I think if a school typically placed students where they have to pay that should be covered by the university AND clearly stated in their materials when students consider those programs Let me know if I can help more with this. Glenn	12/19/2017 4:03 PM
26	Practicum sites receive many benefits from trainees seeing clients. Trainees and schools shouldn't need to pay training fees to a site.	12/19/2017 2:50 PM
27	Borders on exploitation as it is when students don't get paid for their work (in many cases) when the agency makes money off them, and to me crosses the line to imagine them paying to work somewhere, even if they are in training.	12/19/2017 2:16 PM
28	We have a list of Approved Practicum Sites and I would not have a site that charges a fee listed.	12/19/2017 12:55 PM
29	We believe it is unethical for a trainee to be required to pay for the privilege of working. Sites that require trainees pay should not be eligible to supervise trainees.	12/19/2017 12:22 PM
30	I'm going to forward this to our much larger MFT program traineeship coordinator. (55 new students annually with 16 in-house: Mitchell Family Counseling Center and Strengths United and the rest external sites). Contact is Dana.Stone@csun.edu.	12/19/2017 11:23 AM
31	Sites should not charge trainees a fee, this is insanity and not practiced in other states.	12/19/2017 11:16 AM
32	Sites should not charge fees, while yes there is a cost to supervising students, the students are also providing a service that is much higher in value	12/19/2017 11:12 AM
33	The cost of providing Clinical Supervision should be borne by the agency/site.	12/19/2017 10:55 AM
34	I think it is unethical of sites to charge students to do volunteer work that benefits the sites.	12/19/2017 10:54 AM
35	I am shocked that there are practicum sites that would charge students for training especially when those sites are often already making profit off grants or the payment of clients. This is an interesting topic that in my 15 years of working for an MFT program I have never come across.	12/19/2017 10:47 AM
36	This is a disturbing trend. My guess if practicum sites are beginning to charge fees, they believe that trainees are a net cost versus benefit to them. County agencies continue to view trainees as a potential applicant pool for future hires and either pay a stipend or at least do not charge fees for training.	12/19/2017 10:33 AM
37	For the site that charges 1,000.00 it is a 2 year program that offers specific trainings which are beneficial to the students development. I support that.	12/19/2017 10:26 AM
38	I feel that charging MFT students a fee should be against BBS regulations. It seems unethical to charge for free help. The agency does not pay the student for the work they provide clients; the clients receive services that are funded in some way. The cost of supervision is an expense but it allows the agency to use free labor. I also feel that making students pay for training on top of tuition for school is sending the wrong message. It socializes the student to devalue their work. It is unprofessional.	12/19/2017 10:13 AM
39	Students already pay so much in fees. It feels wrong to have sites charge students to work for them for no cost.	12/19/2017 10:12 AM

---

40	It is unethical for sites to charge a fee to trainees.	12/19/2017 9:55 AM
41	N/A	12/19/2017 9:25 AM

---

# ATTACHMENT C



Survey for Agencies Utilizing Marriage and Family Therapist and Professional Clinical Counselor Trainees

**Please complete this survey if your agency serves as a site for marriage and family therapist and/or professional clinical counselor trainees (supervisees who are still completing their master's degrees) to gain their required practicum hours.**

\* 1. What is the name of your agency?

\* 2. What type of agency is it?

- Nonprofit/charitable
- University setting
- School setting (K-12)
- Government entity
- Other (please specify)

\* 3. On average, how many marriage and family therapist and professional clinical counselor trainees work at your site each year? (Please do not include interns/associates).

4. Does your site provide individual supervision to trainees?

- Yes
- No

5. Other than the ordinarily required supervision, what training opportunities do you provide your trainees each year?

The questions below ask if your agency charges fees (paid either by the trainee or by the trainee's educational institution) for the trainee to work at your site. When considering these questions, please do not consider any costs for fingerprints or background checks that are passed along to the trainee or school, as a fee.

\* 6. Do you charge trainees a fee for working at your agency? (Please do not consider fees charged for fingerprints or background checks.)

No (Please stop. Survey ends here.)

Yes. (Please list the fee type(s), and for each fee specify the amount charged and describe what the funds are used for.)

The remainder of the survey is only for agencies that charge trainee fees.

7. If a fee is charged, do you offer any alternatives for trainees who cannot afford to pay? Please explain.

8. Does the fee cover a specialized training that the trainee needs in order to work at your setting, that would not be available in his or her graduate program? If yes, please explain.

9. Please explain the reasoning for charging the trainee fees, if you have not already done so.

10. When did your agency begin charging fees to trainees? Do you recall what led to the implementation of these fees?

11. What is your agencies total annual operating budget? (Estimates are ok.)

12. In what county is your agency located?

13. What would be the consequence if trainee fees could not be collected directly from the trainees?  
(Please select all that apply.)

- Our agency would seek payment from the trainees' universities.
- Client fees would increase.
- We would need to identify other funding sources.
- We would take in fewer or no trainees.
- Other (please explain)

14. Is there any other information that you would like to add?

***Blank Page***

**ATTACHMENT D: NON-PROFIT AGENCY SURVEY RESULTS**

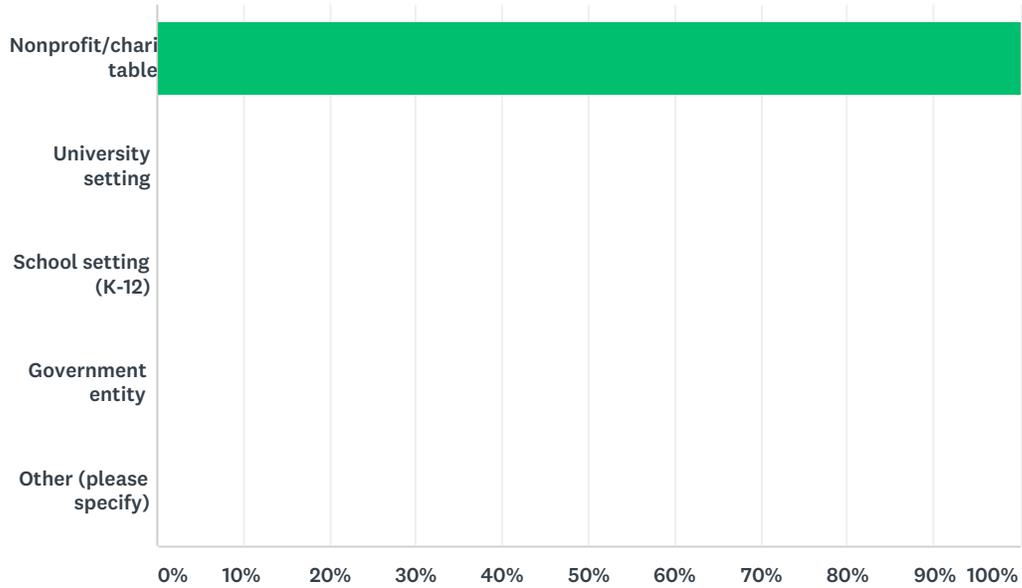
**Q1 What is the name of your agency?**

Answered: 31 Skipped: 0

#	RESPONSES	DATE
1	CrittentonServices for Children&Families	1/12/2018 11:07 AM
2	Airport Marina Counseling Service (AMCS)	1/11/2018 1:04 PM
3	Community Health for Asian Americans	1/9/2018 11:39 AM
4	Fred Finch Youth Center	1/8/2018 2:37 PM
5	Pacific Clinics	1/8/2018 8:04 AM
6	Southern California Counseling Center (SCCC)	1/3/2018 3:34 PM
7	The Maple Counseling Center	1/3/2018 3:15 PM
8	Access Institute for Psychological Services	1/3/2018 12:47 PM
9	Lighthouse Counseling and Family Resource Center	1/3/2018 11:52 AM
10	Mentis	12/27/2017 3:41 PM
11	Step Up on Second	12/27/2017 9:40 AM
12	Child Guidance Center, Inc.	12/21/2017 4:42 PM
13	Bonita House	12/21/2017 12:34 PM
14	Access Institute for Psychological Services	12/21/2017 11:27 AM
15	Remi Vista	12/20/2017 4:11 PM
16	Pacific Asian Counseling Services	12/20/2017 3:43 PM
17	Earth Circles Counseling Center	12/20/2017 2:26 PM
18	The Children's Center of the Antelope Valley	12/20/2017 10:13 AM
19	Alcott Center for Mental Health Services	12/20/2017 9:40 AM
20	Open Paths Counseling Center	12/19/2017 9:16 PM
21	Felton Institute / Family Service Agency of San Francisco	12/19/2017 5:37 PM
22	Insights Counseling Group	12/19/2017 5:19 PM
23	Children's Institute Inc.	12/19/2017 3:56 PM
24	New Beginnings Counseling Center	12/19/2017 3:53 PM
25	EArly Childhood Mental Health	12/19/2017 3:26 PM
26	West End Family Counseling Services	12/19/2017 2:35 PM
27	Early Childhood Mental Health Program	12/19/2017 2:33 PM
28	West End Family Counseling Services	12/19/2017 2:23 PM
29	Yolo Family Service Agency	12/19/2017 2:12 PM
30	Terkensha Associates	12/19/2017 2:05 PM
31	Interface Children & Family Services	12/19/2017 1:48 PM

## Q2 What type of agency is it?

Answered: 31 Skipped: 0



ANSWER CHOICES	RESPONSES
Nonprofit/charitable	100.00% 31
University setting	0.00% 0
School setting (K-12)	0.00% 0
Government entity	0.00% 0
Other (please specify)	0.00% 0
<b>TOTAL</b>	<b>31</b>

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

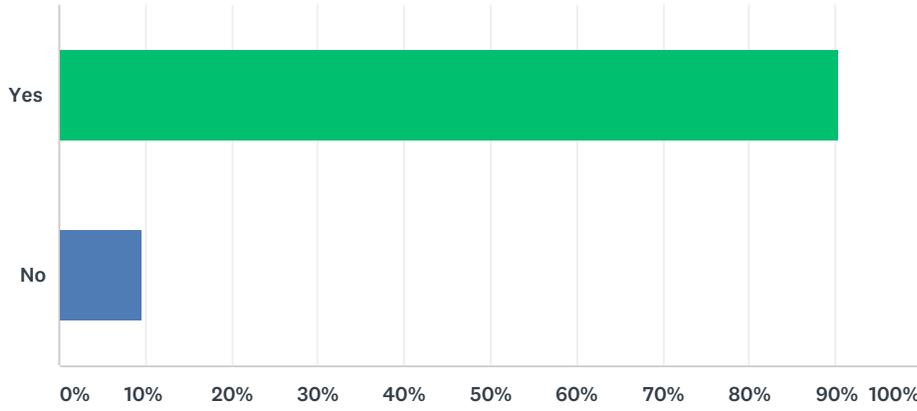
**Q3 On average, how many marriage and family therapist and professional clinical counselor trainees work at your site each year?  
(Please do not include interns/associates).**

Answered: 31 Skipped: 0

#	RESPONSES	DATE
1	6	1/12/2018 11:07 AM
2	35-40	1/11/2018 1:04 PM
3	10-13	1/9/2018 11:39 AM
4	2	1/8/2018 2:37 PM
5	15	1/8/2018 8:04 AM
6	55-65 trainees	1/3/2018 3:34 PM
7	85	1/3/2018 3:15 PM
8	0	1/3/2018 12:47 PM
9	5	1/3/2018 11:52 AM
10	12 marriage and family therapists, 2 professional clinical counselor trainees.	12/27/2017 3:41 PM
11	1	12/27/2017 9:40 AM
12	2	12/21/2017 4:42 PM
13	5	12/21/2017 12:34 PM
14	2	12/21/2017 11:27 AM
15	2	12/20/2017 4:11 PM
16	4	12/20/2017 3:43 PM
17	7	12/20/2017 2:26 PM
18	5	12/20/2017 10:13 AM
19	2	12/20/2017 9:40 AM
20	10-20	12/19/2017 9:16 PM
21	0-5	12/19/2017 5:37 PM
22	2	12/19/2017 5:19 PM
23	3	12/19/2017 3:56 PM
24	3	12/19/2017 3:53 PM
25	2 or 3	12/19/2017 3:26 PM
26	none at my site but some in the other program sites.	12/19/2017 2:35 PM
27	2	12/19/2017 2:33 PM
28	5	12/19/2017 2:23 PM
29	1	12/19/2017 2:12 PM
30	8	12/19/2017 2:05 PM
31	2	12/19/2017 1:48 PM

### Q4 Does your site provide individual supervision to trainees?

Answered: 31 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	90.32%	28
No	9.68%	3
TOTAL		31

## Q5 Other than the ordinarily required supervision, what training opportunities do you provide your trainees each year?

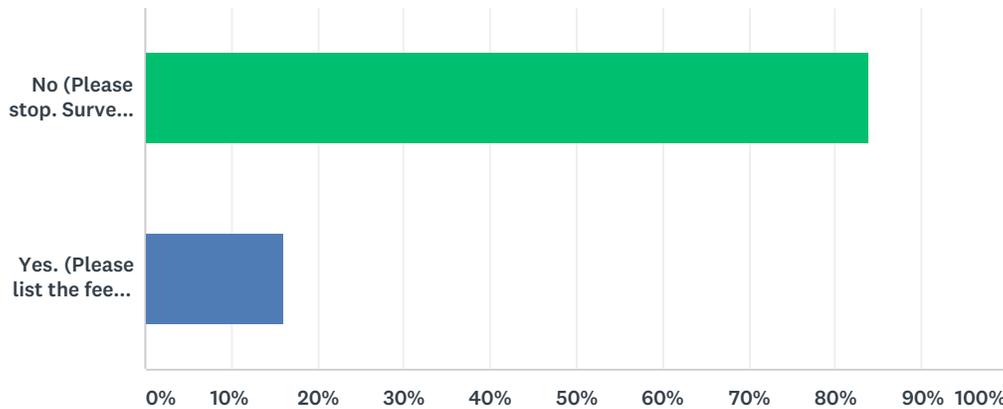
Answered: 31 Skipped: 0

#	RESPONSES	DATE
1	EBPs as needed for individual programs, differential diagnosis	1/12/2018 11:07 AM
2	We provide a step-by-step introduction to therapeutic techniques 12 week course when they start their training and bi-weekly lectures on critical topics in mental health theory.	1/11/2018 1:04 PM
3	In house trainings provided by outside agencies and/or employees of CHAA. Referrals to outside trainings.	1/9/2018 11:39 AM
4	Fred Finch Youth Center has a thorough orientation process for trainees and we provide access to all agency trainings that occur multiple times per week. The following link provides more information about the diversity of trainings the agency offers: <a href="https://www.fredfinch.org/training/">https://www.fredfinch.org/training/</a>	1/8/2018 2:37 PM
5	several weekly trainings including some pre-licensure courses.	1/8/2018 8:04 AM
6	First-year training program includes: Weekly 2-hour Clinical Skills Class lasting 8 months Individual supervision Monthly Saturday trainings Full-day training on cultural awareness Two-day training on trauma treatment techniques Outside presenters for full-day trainings Assessment training Crisis Intervention training On-line psychotherapy training Training in multiple modalities including family systems, psychodynamic psychotherapy, brief solution-focus therapy, CBT, Narrative/post-modern therapy Domestic Violence Assessment and Treatment LGBTQIA Issues and Treatment Group Therapy Techniques Law and Ethics	1/3/2018 3:34 PM
7	Ongoing weekly training by experts in the field, additional specialized training for those interns who are in specific program tracks (i.e. child & family); regular intensive training opportunities (i.e. multiple weeks or over several days). Also provide intake/assessment training and couples therapy training.	1/3/2018 3:15 PM
8	We don't have trainees	1/3/2018 12:47 PM
9	Mandated Reporter (CPS) Training Evidence-Based Models (ex: ABFT and TF-CBT)	1/3/2018 11:52 AM
10	We provide monthly clinical in-service trainings and an annual professional training.	12/27/2017 3:41 PM
11	Trainees can attend any training that clinical staff have access to, including internal training in the agency, and those offered through LA County Department of Mental Health.	12/27/2017 9:40 AM
12	Specific didactic and interactive training around mental health competencies, inservice topics, formal training in PCIT, TF-CBT, Seeking Safety.	12/21/2017 4:42 PM
13	BHI offers an annual training	12/21/2017 12:34 PM
14	We provide a comprehensive training experience to post grad fellows. They are in classes for roughly a quarter of their 40 work week.	12/21/2017 11:27 AM
15	Ongoing staff trainings include trainees	12/20/2017 4:11 PM
16	We do not use trainees, we hire MFT associates full-time. They earn hours, receive individual and group supervision, and many trainings for administrative and clinical items as well as professional training and EBP certifications.	12/20/2017 3:43 PM
17	Once a month training on pertinent topics such as Vicarious Trauma, Substance use/abuse/dependence, Somatic Therapies, CBT, Motivational Interviewing..etc.	12/20/2017 2:26 PM
18	In-house training, and we host numerous L.A. County Department of Mental Health clinical trainings. We are also CAMFT certified Continuing Education facility.	12/20/2017 10:13 AM
19	Evidenced based practice training such as Seeking Safety. Also documentation, risk assessment and motivational interviewing.	12/20/2017 9:40 AM
20	Weekly trainings. These weekly trainings rotate between both external and internal experts, and a monthly training with a consulting psychiatrist.	12/19/2017 9:16 PM

21	Depending on the placement site, trainees will engage in trainings for evidence-based practices implemented with additional fidelity monitoring coaching. These include CBT for Psychosis, Motivational Interviewing, Dialectical Behavioral Therapy, Managed Care Management.	12/19/2017 5:37 PM
22	art, grief, personality disorders, Postpartum depression and any thing else that comes up and relates to our client base	12/19/2017 5:19 PM
23	Day Treatment Intensive interventions Trauma informed Care	12/19/2017 3:56 PM
24	1-2 hours per week for 9 mos of the year (approx 30 weeks each year) on core competencies e.g. note writing, legal and ethical issues, working with grief, working with trauma 5- or 6 ten hour workshops per year on specialty populations or subjects e.g. working with couples, working with children and adolescents	12/19/2017 3:53 PM
25	None	12/19/2017 3:26 PM
26	Play Therapy, County online resource Relias, Cultural Competency/Sensitivity variety of options including LGBTQ, Active Shooter Training, NIMS/SIMS, CPR First Aid resources, Sexual Harassment, and more. We also reimburse for one professional training in the professional community at Large per fiscal year. If any specialty training is required for our programs/certifications we also cover the cost.	12/19/2017 2:35 PM
27	we have a number of trainings on site and we support our staff to attend trainings through out the year.	12/19/2017 2:33 PM
28	Weekly group supervision and training. Also a 16 hour training/orientation prior to starting	12/19/2017 2:23 PM
29	Monthly 2 hour training such as MI, drug and alcohol counseling, etc	12/19/2017 2:12 PM
30	Monthly clinical training and evidence based training in TF-CBT for some trainees.	12/19/2017 2:05 PM
31	weekly clinical group supervision with interns/associates and licensed staff; quarterly department meetings and clinical intervention training	12/19/2017 1:48 PM

### Q6 Do you charge trainees a fee for working at your agency? (Please do not consider fees charged for fingerprints or background checks.)

Answered: 31 Skipped: 0



ANSWER CHOICES	RESPONSES	
No (Please stop. Survey ends here.)	83.87%	26
Yes. (Please list the fee type(s), and for each fee specify the amount charged and describe what the funds are used for.)	16.13%	5
<b>TOTAL</b>		<b>31</b>

#	YES. (PLEASE LIST THE FEE TYPE(S), AND FOR EACH FEE SPECIFY THE AMOUNT CHARGED AND DESCRIBE WHAT THE FUNDS ARE USED FOR.)	DATE
1	We charge trainees and interns a fee of \$1,000 for the Step by Step Introduction to Therapeutic Techniques course. This course was designed by clinical staff at AMCS and is aimed to help new therapists incorporate what they learned at school into practice. We use a specific book and use both didactic and experiential instruction when teaching this course. When we last surveyed our therapists, of the 35 that completed the survey, 35 reported that the Step by Step Course was helpful and reported they feel more confident, knowledgeable and ready to see clients.	1/11/2018 1:04 PM
2	Trainees are charged a \$70/month program fee to help cover the costs of the above trainings.	1/3/2018 3:34 PM
3	\$75 per month. Covers the costs of the trainings provided (speakers and related supplies/collateral materials). Also includes to costs of coordinating the trainings for all programs; couples, older adults, children/families, groups.	1/3/2018 3:15 PM
4	\$75 a month (or they have the option of doing 5 hours a month of office work for a fee waiver). While fees aren't specifically allocated for one line item, they assist in subsidizing the costs for two weekly blocks of supervision (our clinical supervisors are paid by the hour), training costs, and other agency expenses.	12/19/2017 9:16 PM
5	One time initial administrative fee of \$150 upon hiring to help offset costs of paying administrative staff to conduct interview, complete orientations, and paperwork etc	12/19/2017 3:53 PM

## Q7 If a fee is charged, do you offer any alternatives for trainees who cannot afford to pay? Please explain.

Answered: 8 Skipped: 23

#	RESPONSES	DATE
1	Yes, we reduce the fee or waive the fee if it is a hardship.	1/11/2018 1:04 PM
2	NA	1/9/2018 11:39 AM
3	Yes. Trainees may choose to contribute time in lieu of the monthly program fee.	1/3/2018 3:34 PM
4	Payment plan options to pay fees may be offered on a case-by-case basis. We have, on occasion, waved fees for those experiencing financial hardship and where unexpected situations arise throughout the year.	1/3/2018 3:15 PM
5	na	12/20/2017 4:11 PM
6	Yes, trainees who earn \$900 per month in fees from providing services receive a fee waiver. Additionally, trainees can opt to do 5 hours per month of office / agency related work in lieu of paying fees (equivalent of \$15/hour)	12/19/2017 9:16 PM
7	Trainees are very expensive... I did not know charging a fee is an option. In fact, I'm paying a trainee and additionally training him this year, and he recently received a grant for his personal expenses. Agencies need advocacy too! please call me. Sherry Douden,	12/19/2017 5:19 PM
8	They can pay over time if they can't pay it upon hire.	12/19/2017 3:53 PM

### Q8 Does the fee cover a specialized training that the trainee needs in order to work at your setting, that would not be available in his or her graduate program? If yes, please explain.

Answered: 8 Skipped: 23

#	RESPONSES	DATE
1	Explained in Question 6	1/11/2018 1:04 PM
2	NA	1/9/2018 11:39 AM
3	Yes. The program fee helps defray the cost of the clinical training program detailed above, which goes far beyond what graduate programs offer.	1/3/2018 3:34 PM
4	Our trainings are much more in-depth in our areas of expertise (including psychodynamic treatment) than are offered in any graduate programs, where trainings are typically more generic. Our organizations training are all tailored to the work that the trainees will do with clients served at the agency.	1/3/2018 3:15 PM
5	na	12/20/2017 4:11 PM
6	Weekly training is provided, much of which is outside of the scope of what's received in school. We have trainees from many different schools, however, so tracking what each school offers is unrealistic. Because we serve a high minority client base, we are sure to provide specialized trainings in intergenerational and historical trauma as they related to different ethnic communities. We also include trainings about systemic oppression and community psychology to ensure that our trainees have a deeper level of understanding of the communities they're working in and with than they likely receive in school. We also provide specialized supervision groups (in addition to individual supervision). Supervision groups currently include an LGBTQ Affirmative therapy supervision group, a couples focused supervision group, a Latino Cultural supervision group, a Depth Psychology supervision group, and we are starting a Trauma Intensive supervision group as a part of a new 6-month, in-depth trauma training program we're launching this January.	12/19/2017 9:16 PM
7	no fee	12/19/2017 5:19 PM
8	No	12/19/2017 3:53 PM

## Q9 Please explain the reasoning for charging the trainee fees, if you have not already done so.

Answered: 7 Skipped: 24

#	RESPONSES	DATE
1	We are providing additional training to our therapists. Very few agencies offer this kind of preparatory course at the onset of training. It was started at the request of the therapists. We now budget a specific dollar amount each to year as income to sustain our training program.	1/11/2018 1:04 PM
2	NA	1/9/2018 11:39 AM
3	The program fee helps defray the cost of the clinical training program detailed above.	1/3/2018 3:34 PM
4	na	12/20/2017 4:11 PM
5	I believe I've adequately shared what trainees receive at Open Paths in return for the training fee. Just to clarify, however, Open Paths provides low fee therapy to some of the most underserved communities in Los Angeles. We specialize in working in marginalized communities and work hard to ensure we have a clinical team that culturally and socioeconomically represents the communities we serve. In 2017, trainee fees made up approximately 5.6% of our budget. While this doesn't seem like much, makes a difference in our ability to keep our fees as low as possible for providing services to many underserved communities. Likewise, we provide a higher quality of supervision and training than many other agencies in the area, which is why trainees CHOOSE to come to Open Paths.	12/19/2017 9:16 PM
6	If I did charge a fee it would be to cover the admin fee's and overhead to providing him a practicum. As you know, insurance contracts will never allow a practicum student to serve their clients, so we must rely on grants and other funding, or cash pay clients to support their learning. Additionally, I would send them to mandated training to work at this site, if they paid for their own training.	12/19/2017 5:19 PM
7	n/a	12/19/2017 3:53 PM

## Q10 When did your agency begin charging fees to trainees? Do you recall what led to the implementation of these fees?

Answered: 8 Skipped: 23

#	RESPONSES	DATE
1	I do not know.	1/11/2018 1:04 PM
2	NA	1/9/2018 11:39 AM
3	The Southern California Counseling Center was founded in 1966 based on a model of volunteerism. Shortly after its founding, it became necessary to institute a training fee to help defray program costs. SCCC does not accept government funding. We must raise all of the funds to cover our programs.	1/3/2018 3:34 PM
4	We have charged a training fee since we began our intern training program (1980's?).	1/3/2018 3:15 PM
5	na	12/20/2017 4:11 PM
6	This was already in place when I started with the agency in June of 2016. From what I understand, it has been the policy for a number of years. I don't know what led to this policy.	12/19/2017 9:16 PM
7	na	12/19/2017 5:19 PM
8	Unknown	12/19/2017 3:53 PM

### Q11 What is your agencies total annual operating budget? (Estimates are ok.)

Answered: 8 Skipped: 23

#	RESPONSES	DATE
1	\$916,996	1/11/2018 1:04 PM
2	NA	1/9/2018 11:39 AM
3	\$1.6 million	1/3/2018 3:34 PM
4	1.8m	1/3/2018 3:15 PM
5	na	12/20/2017 4:11 PM
6	For 2017 it was \$415,950	12/19/2017 9:16 PM
7	350,000	12/19/2017 5:19 PM
8	Unknown	12/19/2017 3:53 PM

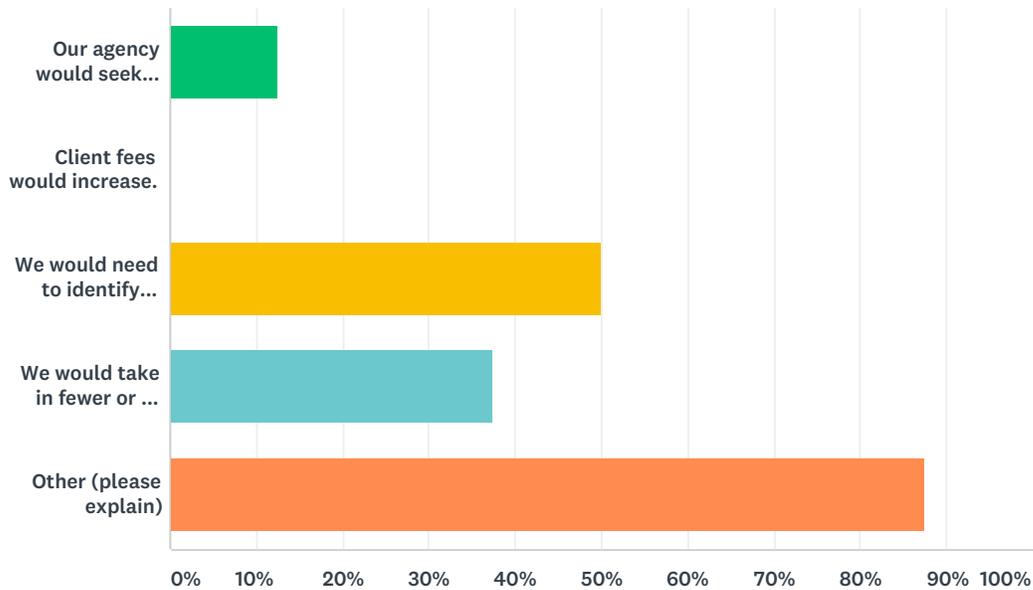
## Q12 In what county is your agency located?

Answered: 9 Skipped: 22

#	RESPONSES	DATE
1	Fullerton	1/12/2018 11:07 AM
2	Los Angeles	1/11/2018 1:04 PM
3	Alameda, Contra Costa	1/9/2018 11:39 AM
4	Los Angeles	1/3/2018 3:34 PM
5	Los Angeles	1/3/2018 3:15 PM
6	Humboldt	12/20/2017 4:11 PM
7	Los Angeles	12/19/2017 9:16 PM
8	PLacer	12/19/2017 5:19 PM
9	Santa Barbara	12/19/2017 3:53 PM

### Q13 What would be the consequence if trainee fees could not be collected directly from the trainees? (Please select all that apply.)

Answered: 8 Skipped: 23



ANSWER CHOICES	RESPONSES
Our agency would seek payment from the trainees' universities.	12.50% 1
Client fees would increase.	0.00% 0
We would need to identify other funding sources.	50.00% 4
We would take in fewer or no trainees.	37.50% 3
Other (please explain)	87.50% 7
Total Respondents: 8	

#	OTHER (PLEASE EXPLAIN)	DATE
1	I don't think seeking payment from universities is viable but I like the idea. Our clients are the poorest of the poor. Seventy Five percent (75%) of our clients live below the poverty line. Increasing the fee to clients is also not a viable option. Identifying additional funding is not easy and always challenging. If we take in fewer trainees that means we would serve less clients in the community.	1/11/2018 1:04 PM
2	NA	1/9/2018 11:39 AM
3	The option of seeking payment from trainees' universities is not practical or realistic; our clients face severe financial stress and most would not be able to afford an increased fee; we are already tapping all available funding sources; taking in fewer or no trainees would be a disservice to students and universities, would limit our ability to serve the community, and would be detrimental to the MFT and LPCC fields by reducing opportunities for trainees to receive high-quality, intensive training.	1/3/2018 3:34 PM
4	We believe that increasing client fees (we charge on a sliding scale) would be contrary to our mission of 'never turning anyone away due to inability to pay,' and would have adverse consequences.	1/3/2018 3:15 PM
5	na	12/20/2017 4:11 PM

---

6	<p>This is a difficult question to answer since, as an agency with a limited budget, I am already doing my best to identify all possible revenue streams. Increasing our fees goes against our mission, so that isn't an option, since it would leave out the very population we're serving. Seeking payment from universities might work for larger agencies with more staff. As executive director, I do all of the fundraising, marketing, statistics, HR, PR, board development, general office work, ordering supplies, etc. There isn't enough time to add yet another task, particularly when it is unlikely that the universities will pay this fee. This leaves potentially reducing our team of trainees, which in turn would mean we'd reduce our number of clients. We served 1006 clients in 2016. We currently have a waitlist of approximately 140 people with a 2 month wait.</p>	12/19/2017 9:16 PM
7	<p>I don't charge fee's and did not know it was an option. I would agree that agencies need funding to support the practicum component of education for MFT's. It is extremely difficult to fund their education!</p>	12/19/2017 5:19 PM

---

## Q14 Is there any other information that you would like to add?

Answered: 7 Skipped: 24

#	RESPONSES	DATE
1	We take the training of our interns very seriously. We consider our training program as top notch because of the training that we offer. We offer more training than most because we understand the interns are paying for a fee and need to get something out of it. At the end of their training, therapists report a high level of satisfaction with the training program as they feel competent and proficient in the skill set they have mastered.	1/11/2018 1:04 PM
2	NA	1/9/2018 11:39 AM
3	SCCC represents a model that for 50 years has provided both high-quality training and affordable mental health care services to those in need in our community. Our training programs provide trainees with a comprehensive education in addition to their graduate school programs that will take them to completion of their hours and ultimately licensure. We would be unable to provide this level of training without the program fee.	1/3/2018 3:34 PM
4	Trainees who choose to come to Open Paths do so for the experience. Most who come choose to stay beyond their initial contract because of the training they receive, the clients' the get to work with and the opportunity for both individual and targeted group supervision.	12/19/2017 9:16 PM
5	Please consider advocating for agencies as well as students and interns	12/19/2017 5:19 PM
6	We will be expanding our MFT Trainee program in 2018 to 12 to 15 trainees.	12/19/2017 3:56 PM
7	No, thanks.	12/19/2017 3:53 PM



***Blank Page***



Board of Behavioral Sciences

# Memo

---

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

**To:** Committee Members

**Date:** January 29, 2018

**From:** Christy Berger  
Regulatory Analyst

**Telephone:** (916) 574-7817

**Subject:** Rulemaking Update

---

The Rulemaking Update will be provided under a separate cover.

***Blank Page***