



Board of Behavioral Sciences



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

## License Portability Committee Meeting Notice and Agenda

**June 8, 2018**  
**1:00 p.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.*

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- I. Call to Order, Establishment of Quorum, and Introductions\*
  - II. Discussion and Possible Recommendations to Proposed Revisions to Out-of-State Licensee Requirements for Licensed Professional Clinical Counselors
  - III. Discussion and Possible Recommendations to Proposed Revisions to Out-of-State Licensee Requirements for Licensed Marriage and Family Therapists
  - IV. Discussion and Possible Recommendations to Proposed Revisions to Out-of-State Licensee Requirements for Licensed Clinical Social Workers
  - V. Suggestions for Future Agenda Items
  - VI. Public Comment for Items Not on the Agenda

*Note: The Board may not discuss or take action on any matter 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)]*

- VII. Adjournment

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

*(Continued on Reverse)*

*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.*

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**To:** Committee Members  
**Date:** May 30, 2018

**From:** Rosanne Helms  
Legislative Analyst  
**Telephone:** (916) 574-7897

**Subject: Draft License Portability Language: LPCC Out-of-State Applicants**

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### **Background**

The Board's License Portability Committee last met on February 23, 2018. At that meeting, the Committee considered proposed framework language for the LPCC statute.

### **Previous Committee Discussion and Proposed Language**

**Attachment A** shows the proposed language. Amendments to current law are shown in blue, with amendments requested by the Committee at the February 23 meeting or recently updated by staff shown in red.

Under the proposal, the Board may issue a license to a person who holds a license in another jurisdiction of the U.S. as a professional clinical mental health counselor at the highest level for independent practice, if they meet all the following:

- The license has been current, active, and unrestricted for at least 2 years immediately prior to the date the application was received by the Board.
- The qualifying degree is a master's or doctoral degree that was obtained from an accredited or approved school.
- The applicant submits fingerprints.
- The applicant passes the Board's California law and ethics exam.
- The applicant completes a 12-hour California law and ethics course.
- The applicant completes 15 hours of coursework in California Cultures.

In addition, under the proposal, once issued a California license, the licensee must complete a one-time, 6-hour course in mental health recovery-oriented care.

LPCCs who were licensed in another state that permits LPCC treatment of couples and families may continue to do so upon licensure in California, if they complete at least 6 hours of

continuing education coursework specific to marriage and family therapy in each renewal cycle. If the other state of licensure does not permit LPCC treatment of couples and families, then the licensee would need to meet the full requirements for LPCCs to treat couples and families, as specified in Business and Professions Code Section 4999.20.

For consistency, this proposal also reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee.

### **Additional Amendments**

Since the February 23<sup>rd</sup> meeting, staff has determined certain additional amendments are necessary, as follows:

- Addition of two topic areas to the 12-hour California law and ethics coursework, for consistency with the requirement in LMFT and LCSW law. The two added topic areas are as follows:
  - Differences in legal and ethical standards in different types of work settings; and
  - Licensing law and licensing process.

Acceptable providers of this coursework have also been specified, where needed.

- Additions to §4999.61: This section previously only applied to those who do not hold a license, but it has been amended to also apply to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4999.60 for other reasons. Now that license holders are included in this section, two provisions need to be added:
  - The provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum (if he or she meets the practicum requirements); and
  - The provision allowing an active and in good standing licensee or registrant of another state to use his or her qualifying clinical exam score to count for this state's clinical exam requirement, if they have already passed the clinical exam that this Board accepts.
- Additions to §4999.62: Like §4999.61 as mentioned above, this section previously only applied to non-licensed individuals, but has been amended to also apply to certain licensed individuals. Licensed individuals were previously allowed to remediate the practicum requirement. Therefore, this allowance (for licensees in good standing only) has been added to this section.

### **Question for Discussion**

BPC §4999.63(b)(5) (which is being deleted) allowed licensees to remediate up to six core content areas, except California law and ethics (which must be done prior to associate registration) and assessment and diagnosis (which cannot be remediated) while registered as

an associate. Does the committee wish to include this provision in BPC §4999.62, which now applies to both non-licensees and some out-of-state license holders?

**Attachments**

**Attachment A:** Proposed Language - LPCC

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**ATTACHMENT A**  
**PROPOSED LANGUAGE – LPCC**  
*(Note: Committee Requested Amendments in Red)*

**§4999.40. DEGREE GRANTING PROGRAMS; NOTIFICATION OF QUALIFICATION TO STUDENTS; EQUIVALENT EDUCATION AND TRAINING GAINED OUTSIDE THE UNITED STATES**

- (a) Each educational institution preparing applicants to qualify for licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Section 4999.32 or 4999.33 and shall certify to the board that it has so notified its students.
- (b) An applicant for registration or licensure shall submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and any associated coursework completed by the applicant does one of the following:
  - (1) Meets all of the requirements set forth in Section 4999.32.
  - (2) Meets all of the requirements set forth in Section 4999.33.
- (c) An applicant trained at an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from an institution of higher education that is accredited or approved. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services and shall provide any other documentation the board deems necessary.

**§4999.60. OUT-OF-STATE LICENSEE; APPLICATION FOR A LICENSE**

- (a) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, ~~holds a license as a professional clinical counselor, or other equivalent counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States.~~ holds a license in another jurisdiction of the United States as a professional clinical mental health counselor at the highest level for independent practice. Issuance of the license is conditioned upon meeting all of the following requirements:
  - 1. The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years of the past 5 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board's discretion.

2. The applicant's degree that qualified him or her for the out-of-state license is a master's or doctoral degree that was obtained from an accredited or approved institution, as defined in Section 4999.12.
  3. The applicant complies with the fingerprint requirements established by Section 144.
  4. The applicant passes the board-administered California law and ethics examination.
  5. The applicant completes the following coursework 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 in Section 4999.76. Undergraduate coursework shall not satisfy these requirements:
    - i. A minimum of 12 hours of coursework in California law and 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, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process.
    - ii. 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.
- (b) An applicant issued a license pursuant to this section shall complete, prior to the time of his or her first license renewal, at least 6 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. This coursework shall be taken 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 in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.
- (c) An applicant issued a license pursuant to this section shall be permitted to treat couples or families, if he or she meets one of the following:
1. (A) The scope of the license held in the ~~previous other~~ state permitted treatment of couples and families without restrictions or additional coursework; and



(B) The licensee completes a minimum of 6 hours of continuing education specific to marriage and family therapy in each renewal cycle.

2. The licensee completes the requirements to treat couples or families specified in paragraph (3) of subsection (a) of Section 4999.20.

~~(a) This section applies to persons who are licensed outside of California and apply for licensure on or after January 1, 2016.~~

~~(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States, if all of the following conditions are satisfied:~~

~~(1) The applicant's education is substantially equivalent, as defined in Section 4999.63.~~

~~(2) The applicant complies with subdivision (c) of Section 4999.40, if applicable.~~

~~(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a professional clinical counselor shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4999.63 without exemptions or remediation.~~

~~(4) The applicant passes the examinations required to obtain a license under this chapter. 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 if both of the following conditions are met:~~

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

~~(B) 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.~~

#### **§4999.61. EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA; NON-LICENSE HOLDER**

(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, who do not qualify for a license under Section 4999.60.

(b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4999.62, and the applicant complies with subdivision (c) of Section 4999.40, if applicable.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter. If the applicant has less than 3,000 hours of qualifying supervised experience, the amount of time actively licensed the applicant held an active license in good standing in another state or country as a professional clinical mental health counselor at the highest level of clinical practice, as verified by the board, shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours, if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4999.62 without remediation.

(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 if both of the following conditions are met:

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

(B) 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.

#### **§4999.62. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; ~~NON-LICENSE HOLDER~~**

(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.~~ qualify for a license under 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.

- i. An out-of-state applicant who holds a valid license in good standing in another state or country as a professional clinical mental health counselor at the highest level of clinical practice 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 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~~ a 12-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, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. 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 in Section 4999.76. Undergraduate coursework shall not satisfy this requirement. 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. 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 in Section 4999.76. Undergraduate coursework shall not satisfy this

**requirement.** 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 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 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.

**§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 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 (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.~~
  - ~~(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 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 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.~~

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**To:** Committee Members

**Date:** May 30, 2018

**From:** Rosanne Helms  
Legislative Analyst

**Telephone:** (916) 574-7897

**Subject: Draft License Portability Language: LMFT Out-of-State Applicants**

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### **Background**

The Board's License Portability Committee last met on February 23, 2018. At that meeting, the Committee considered proposed framework language for the LPCC statute. The language for out-of-state LMFT applicants shown in **Attachment B** was drafted using the Committee's recommendations for the LPCC framework language as a model.

### **Proposed Language**

Under the proposal, the Board may issue a license to a person who holds a license in another jurisdiction of the U.S. as a marriage and family therapist at the highest level for independent clinical practice, if they meet all the following:

- The license has been current, active, and unrestricted for at least 2 years immediately prior to the date the application was received by the Board.
- The qualifying degree is a master's or doctoral degree that was obtained from an accredited or approved school.
- The applicant submits fingerprints.
- The applicant passes the Board's California law and ethics exam.
- The applicant completes a 12-hour California law and ethics course.
- The applicant completes 15 hours of coursework in California Cultures.

In addition, under the proposal, once issued a California license, the licensee must complete a one-time, 6-hour course in mental health recovery-oriented care.

For consistency, this proposal also reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee, and specifies acceptable coursework providers as needed.

## **Additional Amendments**

Certain additional amendments were also incorporated into the proposed language, as follows:

- Definitions of “accredited” and “approved” schools were added to the general definitions for the LMFT licensing law, located in BPC §4980.03. Similar definitions already exist in LPCC licensing law, and allow for easy reference to the definitions. It should be noted that the LMFT definition of “accredited” includes COAMFTE accredited institutions.
- Additions to §4980.74: This section previously only applied to those who do not hold a license, but it has been amended to also apply to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4980.72 for other reasons. Now that license holders are included in this section, two provisions need to be added:
  - The provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum (if he or she meets the practicum requirements); and
  - The provision allowing an active and in good standing licensee or registrant of another state to use his or her qualifying clinical exam score to count for this state’s clinical exam requirement, if they have already passed the clinical exam that this Board accepts.
- Additions to §4980.78: Like §4980.74, as mentioned above, this section previously only applied to non-licensed individuals, but has been amended to also apply to certain licensed individuals. Licensed individuals were previously allowed to remediate the practicum requirement. Therefore, this allowance (for licensees in good standing only) has been added to this section.

## **Attachments**

**Attachment B:** Proposed Language - LMFT

**ATTACHMENT B**  
**PROPOSED LANGUAGE – LMFT**

**§4980.03. DEFINITIONS.**

- (a) “Board,” as used in this chapter, means the Board of Behavioral Sciences.
- (b) “Intern,” as used in this chapter, means an unlicensed person who has earned his or her master’s or doctoral degree qualifying him or her for licensure and is registered with the board.
- (c) “Trainee,” as used in this chapter, means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.
- (d) “Applicant,” as used in this chapter, means an unlicensed person who has completed a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, and whose application for registration as an intern is pending, or an unlicensed person who has completed the requirements for licensure as specified in this chapter, is no longer registered with the board as an intern, and is currently in the examination process.
- (e) “Advertise,” as used in this chapter, includes, but is not limited to, any public communication, as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or 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.
- (f) “Experience,” as used in this chapter, means experience in interpersonal relationships, psychotherapy, marriage and family therapy, direct counseling, and nonclinical practice that satisfies the requirements for licensure as a marriage and family therapist pursuant to Section 4980.40.
- (g) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:
  - (1) Has been licensed by a state regulatory agency for at least two years as a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.
  - (2) If a licensed professional clinical counselor, the individual shall meet the additional training and education requirements specified in paragraph (3) of subdivision (a) of Section 4999.20.
  - (3) Has not provided therapeutic services to the trainee or intern.

- (4) Has a current and valid license that is not under suspension or probation.
- (5) Complies with supervision requirements established by this chapter and by board regulations.
- (h) "Client centered advocacy," as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.
- (i) "Accredited" means a school, college, or university accredited by either the Commission on Accreditation for Marriage and Family Therapy Education, or a regional or national institutional accrediting agency that is recognized by the United States Department of Education.
- (j) "Approved" means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant's graduation from the school, college, or university.

#### **§4980.72. RECIPROCITY; EQUIVALENT REQUIREMENTS**

- ~~(a) This section applies to a person who is licensed outside of California and applies for licensure on or after January 1, 2016.~~
- ~~(b)~~ (a) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country, if all of the following conditions are satisfied: license in another jurisdiction of the United States as a marriage and family therapist at the highest level for independent clinical practice. Issuance of the license is conditioned upon meeting all of the following requirements:
  - 1. The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board's discretion.
  - 2. The applicant's degree that qualified him or her for the out-of-state license is a master's or doctoral degree that was obtained from an accredited or approved institution, as defined in Section 4980.03.
  - 3. The applicant complies with the fingerprint requirements established by Section 144.
  - 4. The applicant passes the board-administered California law and ethics examination.
  - 5. The applicant completes the following coursework from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider

that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy these requirements:

- i. A minimum of 12 hours of coursework in California law and 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, therapist disclosures to clients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process.
  - ii. 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.
- (b) An applicant issued a license pursuant to this section shall complete, prior to the time of his or her first license renewal, at least 6 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. This coursework shall be taken from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.
- ~~(1) The applicant's education is substantially equivalent, as defined in Section 4980.79. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.~~
- ~~(2) The applicant complies with Section 4980.76, if applicable.~~
- ~~(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a marriage and family therapist shall be accepted at a rate of 100 hours per month, up to a maximum of 1,200 hours, if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4980.79 without exemptions or remediation.~~
- ~~(4) The applicant passes the California law and ethics examination.~~
- ~~(5) The applicant passes a clinical examination designated by the board. 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 if both of the following conditions are met:~~

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

~~(B) 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.~~

#### **§4980.74. EXPERIENCE AND EDUCATION GAINED OUTSIDE OF CALIFORNIA**

- (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 4980.72 and do not qualify for a license under Section 4980.72.~~
- (b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4980.78, and the applicant complies with Section 4980.76, if applicable. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.
- (c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter. If the applicant has less than 3,000 hours of qualifying supervised experience, the amount of time the applicant held an active license in good standing in another state or country as a marriage and family therapist at the highest level of clinical practice shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours, if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4980.78 without remediation.
- (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 if both of the following conditions are met:
- (A) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.
  - (B) 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.

#### **§4980.76. DEGREE OBTAINED OUTSIDE OF THE UNITED STATES**

An applicant for licensure or registration with a degree obtained from an educational institution outside the United States shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.

#### **§4980.78. SUBSTANTIALLY EQUIVALENT EDUCATION; ~~COURSEWORK~~**

## **REQUIRED OF APPLICANTS NOT LICENSED OUTSIDE OF CALIFORNIA**

- (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 4980.72-~~qualify for a license under Section 4980.72.
- (b) For purposes of Section 4980.74, education is substantially equivalent if all of the following requirements are met:
- (1) The degree is obtained ~~from a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education~~ from an accredited or approved institution, as defined in Section 4980.03, 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 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.
- (ii) Up to 12 semester 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 ~~intern~~associate.
- (B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester units or 72 quarter units of instruction.
- (C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.
- i. An out-of-state applicant who holds a valid license in good standing in another state or country as a marriage and therapist at the highest level of clinical practice who does not meet the practicum requirement, shall remediate it by obtaining 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy. These hours 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) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

- (2) The applicant shall complete coursework in California law and ethics as follows:
- (A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81, that did not contain instruction in California law and ethics, shall complete ~~an 18-hour~~ a 12-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, 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 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, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. The coursework may be from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. This coursework shall be completed prior to registration as an intern/associate.
- (B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall contain content specific to California law and ethics. The coursework may be from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. This coursework shall be completed prior to registration as an intern/associate.
- (3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from ~~an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education~~ an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.
- (4) The applicant completes the following coursework not already completed in his or her education from an accredited ~~school, college, or university as specified in paragraph (1)~~ from an educational institution approved by the Bureau for Private Postsecondary Education or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses 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 under paragraphs (3) and (4) not already completed in his or her education while registered as an intern~~associate~~, unless otherwise specified.

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

#### ~~§4980.79. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS LICENSED OUTSIDE OF CALIFORNIA~~

~~(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 4980.72.~~

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

~~(1) The degree is obtained from a school, college, or university accredited by a regional or national institutional accrediting agency recognized by the United States Department of Education 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 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.~~

~~(ii) Up to 12 semester 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 intern.~~

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

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

- ~~(i) An out-of-state 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 it by obtaining 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy. These hours are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while registered as an intern.~~
- ~~(D) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.~~
- ~~(2) An applicant shall complete coursework in California law and ethics as follows:~~
  - ~~(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 that did not include instruction in California law and ethics, shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, 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 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, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework shall be completed prior to registration as an intern.~~
  - ~~(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall include content specific to California law and ethics. An applicant shall complete this coursework prior to registration as an intern.~~
- ~~(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. 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 school, college, or university as specified in paragraph (1) above, from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.~~

~~(A) At least three semester units, or 45 hours, of instruction pertaining to 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's degree title need not be identical to that required by subdivision (b) of Section 4980.36.~~

~~(6) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an intern, unless otherwise specified.~~

## **§4980.81. ADDITIONAL COURSEWORK REQUIREMENTS FOR OUT-OF-STATE APPLICANTS**

This section applies to persons subject to Section 4980.78, ~~or 4980.79~~, who apply for licensure or registration ~~on or after January 2016~~.

(a) For purposes of Sections 4980.78 ~~and 4980.79~~, an applicant shall meet all of the following educational requirements:

(1) A minimum of two semester units of instruction in the diagnosis, assessment, prognosis, and treatment of mental disorders, including severe mental disorders, evidence-based practices, and promising mental health practices that are evaluated in peer reviewed literature.

(2) At least one semester unit or 15 hours of instruction in psychological testing and at least one semester unit or 15 hours of instruction in psychopharmacology.

(3) (A) Developmental issues from infancy to old age, including demonstration of at least one semester unit, or 15 hours, of instruction that includes all of the following subjects:

(i) The effects of developmental issues on individuals, couples, and family relationships.

(ii) The psychological, psychotherapeutic, and health implications of developmental

issues and their effects.

(iii) The understanding of the impact that personal and social insecurity, social stress, low educational levels, inadequate housing, and malnutrition have on human development.

(B) An applicant who is deficient in any of these subjects may remediate the coursework by completing three hours of instruction in each deficient subject.

(4) (A) The broad range of matters and life events that may arise within marriage and family relationships and within a variety of California cultures, including instruction in all of the following:

(i) 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.

(ii) A minimum of 10 contact hours of coursework that includes all of the following:

(I) The assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(II) Aging and its biological, social, cognitive, and psychological aspects.

(III) Long-term care.

(IV) End-of-life and grief.

(iii) A minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iv) Cultural factors relevant to abuse of partners and family members.

(v) Childbirth, child rearing, parenting, and stepparenting.

(vi) Marriage, divorce, and blended families.

(vii) Poverty and deprivation.

(viii) Financial and social stress.

(ix) Effects of trauma.

(x) The psychological, psychotherapeutic, community, and health implications of the matters and life events described in clauses (i) to (ix), inclusive.

- (5) At least one semester unit, or 15 hours, of instruction in 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) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25 and any regulations promulgated under that section, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.
- (7) A minimum of 15 contact hours of coursework in substance use disorders, and a minimum of 15 contact hours of coursework in cooccurring disorders and addiction. The following subjects shall be included in this coursework:
  - (A) The definition of substance use disorders, cooccurring disorders, and addiction. For purposes of this subparagraph “cooccurring disorders” means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.
  - (B) Medical aspects of substance use disorders and cooccurring disorders.
  - (C) The effects of psychoactive drug use.
  - (D) Current theories of the etiology of substance abuse and addiction.
  - (E) The role of persons and systems that support or compound substance abuse and addiction.
  - (F) Major approaches to identification, evaluation, and treatment of substance use disorders, cooccurring disorders, and addiction, including, but not limited to, best practices.
  - (G) Legal aspects of substance abuse.
  - (H) Populations at risk with regard to substance use disorders and cooccurring disorders.
  - (I) Community resources offering screening, assessment, treatment, and followup for the affected person and family.
  - (J) Recognition of substance use disorders, cooccurring disorders, and addiction, and appropriate referral.
  - (K) The prevention of substance use disorders and addiction.
- (8) A minimum of a two semester or three quarter unit course in law and professional ethics for marriage and family therapists, including instruction in all of the following subjects:

- (A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.
- (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.
- (C) The current legal patterns and trends in the mental health professions.
- (D) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.
- (E) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.
- (F) Differences in legal and ethical standards for different types of work settings.
- (G) Licensing law and licensing process.



Board of Behavioral Sciences

# Memo

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**To:** Committee Members

**Date:** May 30, 2018

**From:** Rosanne Helms  
Legislative Analyst

**Telephone:** (916) 574-7897

**Subject:** **Draft License Portability Language: LCSW Out-of-State Applicants**

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## **Background**

The Board's License Portability Committee last met on February 23, 2018. At that meeting, the Committee considered proposed framework language for the LPCC statute. The language for out-of-state LCSW applicants shown in **Attachment C** was drafted using the Committee's recommendations for the LPCC framework language as a model.

## **Proposed Language**

Under the proposal, the Board may issue a license to a person who holds a license in another jurisdiction of the U.S. as a clinical social worker at the highest level for independent practice, if they meet all the following:

- The license has been current, active, and unrestricted for at least 2 years immediately prior to the date the application was received by the Board.
- The qualifying degree is a master's degree from an accredited school or department of social work.
- The applicant submits fingerprints.
- The applicant passes the Board's California law and ethics exam.
- The applicant completes a 12-hour California law and ethics course.
- The applicant completes 15 hours of coursework in California Cultures.

In addition, under the proposal, once issued a California license, the licensee must complete a one-time, 6-hour course in mental health recovery-oriented care.

For consistency, this proposal also reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee, and specifies acceptable coursework providers.

## **Additional Amendments**

Certain additional amendments were also incorporated into the proposed language, as follows:

- Amendments to 4996.17.2: This section applies to individuals who do not hold a license, to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4996.17.1 for other reasons. The following provisions were included in this section:
  - The provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum; and
  - The provision allowing an active and in good standing licensee or registrant of another state to use his or her qualifying clinical exam score to count for this state's clinical exam requirement, if they have already passed the clinical exam that this Board accepts.

## **Question for Discussion**

BPC §4996.17.1 was written to require out-of-state applicants licensed at least two years in another state to take specified coursework in California cultures and in mental health recovery-oriented care and service delivery as a condition of licensure. This requirement matches what this proposal is requiring of LMFT and LCSW applicants.

However, LMFT and LCSW out-of-state applicants who do not qualify for a license under the new streamlined method are also required to complete these two courses, while similarly situated LCSW applicants are not required to do so. The Committee may wish to discuss if the California cultures and mental health recovery-oriented care and service delivery coursework should apply to all LCSW out-of-state applicants.

## **Attachments**

**Attachment C:** Proposed Language - LCSW



**Attachment C**  
**Proposed Language – LCSW**

**§4996.17.1. OUT-OF-STATE LICENSEES: ISSUANCE OF A LICENSE**

- (a) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United States as a clinical social worker at the highest level for independent practice. Issuance of the license is conditioned upon meeting all of the following requirements:
1. The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board's discretion.
  2. The applicant's degree that qualified him or her for the out-of-state license is a master's degree from an accredited school or department of social work.
  3. The applicant complies with the fingerprint requirements established by Section 144.
  4. The applicant passes the board-administered California law and ethics examination.
  5. The applicant completes the following coursework from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy these requirements:
    - i. A minimum of 12 hours of coursework 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.
    - ii. 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.

- (b) An applicant issued a license pursuant to this section shall complete, prior to the time of his or her first license renewal, at least 6 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. This coursework shall be taken from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement.

#### **§4996.17. §4996.17.2. ACCEPTANCE OF EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA**

- (a) This section applies to persons who apply for licensure or registration and who do not qualify for a license under Section 4996.17.1.
- ~~(a)(1)~~(b) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter. If the applicant has less than 3,000 hours of qualifying supervised experience, the amount of time the applicant held an active license in good standing in another state or country as a clinical social worker at the highest level of clinical practice shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.
- ~~(2)~~ Commencing January 1, 2014, 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.
- (c) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the applicant has received a master's degree from an accredited school of social work, or complies with subdivision (g) of Section 4996.18.
- ~~(d)(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 as described in subdivision (b). ~~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 taken from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement.~~
  - (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~~4) Commencing January 1, 2014, completion of ~~an 18-hour~~ 12-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. This coursework shall be completed prior to registration as an associate.
- (~~4~~3) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.
- (~~5~~4) 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.

~~(65)~~ The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

~~(76)~~ 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 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.~~

~~(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.~~

(de) 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.

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

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

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

- (1) Possess a master's degree from an accredited school or department of social work.
- (2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.
- (3) Commencing January 1, 2014, have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers; The coursework shall be taken from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement. The coursework shall includinginclude instruction in all of the following areas of study:
  - (A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.
  - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.
  - (C) The current legal patterns and trends in the mental health professions.

- (D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.
  - (E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and his or her professional behavior and ethics.
  - (F) Differences in legal and ethical standards for different types of work settings.
  - (G) Licensing law and process.
- (c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.
- (d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.
- (e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.
- (f) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.
- (g) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to

whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

- (h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.
- (i) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

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