

Therefore, associates in all other settings need to be able to meet with their supervisor in-person in order to comply with weekly supervision requirements.

The law does not address a situation where both an associate and their supervisor are California-licensed, and both are practicing out of the state or country. This is a more complicated situation that is typically discouraged due to how the laws in the other jurisdiction would interact with (and possibly at times conflict with) California law. It is rare for the Board to accept these types of hours, except at times when such services and supervision occur on U.S. military bases.

For Trainees in a Degree Program Intended to Lead to California Licensure with the Board:

- Can a trainee temporarily located in another state practice with clients located in California via telehealth? Can they gain their required practicum hours for this?
- Can a trainee temporarily located in another country practice with clients located in California via telehealth? Can they gain their required practicum hours for this?
- Can a trainee temporarily located in another state or country count practicum experience hours for practice with clients located in that other state or country, if they follow the rules of the other jurisdiction and have supervision by a California-licensed supervisor who meets the Board's supervision requirements?

What Current Law Says

Current law permits MFT trainees to perform services with clients located in California via telehealth. It does not specify whether this is permissible for social work interns or professional clinical counselor (PCC) trainees. Current law requires all trainees to only perform services where their employer permits business to be conducted. Trainees and social work interns are not permitted to provide services in a private practice.

The law appears to leave discretion to the school regarding whether a trainee or intern can provide services via a remote location. For marriage and family therapist (MFT) trainees and PCC trainees, the law requires experience hours gained to be coordinated between the school and the site, and the school and site must have an agreement which details each parties responsibilities and how supervision will be provided (BPC §§4980.42(e), 4999.36(b)). For social work interns, the law is less specific, but requires interns to be performing services as part of a supervised course of study (BPC §4996.15)).

Only MFT trainees may count pre-degree experience hours, and therefore must additionally take extra steps to ensure they utilize a supervisor that meets all of the Board's supervisor qualifications. This means that MFT trainees who are not working in an exempt setting must have in-person supervision once the pandemic ends (currently, there is a law waiver for this requirement.)

Staff has advised schools wanting to allow trainee remote practice and supervision during the pandemic to use caution, keeping in mind that trainees are the newest practitioners, and therefore, need the most oversight and paying attention to the intent of the law for the trainee to get a quality educational experience, the trainee's ability, appropriateness for the client, and the supervisor's ability to adequately supervise the trainee.

The law does not address whether all required practicum hours may be gained via telehealth. It also does not address whether a trainee may gain hours in another state or country toward their practicum.

Recommendation

Conduct an open discussion regarding the above issues.