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To: Board Members **Date:** June 25, 2021
From: Christy Berger **Telephone:** (916) 574-7897
Regulatory Analyst

Subject: **Discussion and Possible Action Regarding Comments Received During 15-Day Public Comment Period on Proposed Revisions to Supervision Rulemaking Proposal**

Background

At its November 2019 meeting, the Board approved regulatory language that would change requirements pertaining to supervision of the experience hours required for licensure as a Licensed Marriage and Family Therapist (LMFT), Licensed Clinical Social Worker (LCSW) or Licensed Professional Clinical Counselor (LPCC). The approved language is provided in **Attachment A**. Key provisions are as follows:

- Create consistency in supervisor requirements and responsibilities among the three substantially equivalent license types.
- Set standards for documentation when a supervisor is deceased or becomes incapacitated prior to signing off on an applicant's supervised experience.
- Require supervisors to notify the Board that they are supervising and that they meet the qualifications to supervise.
- Require supervisors and supervisees to complete and sign a supervision agreement.
- Codify how completed experience hours shall be verified to the Board.
- Require supervisors to monitor for and address dynamics that could lead to ineffective supervision.
- Address requirements pertaining to temporary substitute supervisors.
- Provide for flexibility in supervisor ongoing training requirements by allowing for certain continuing professional development activities to count.
- Set forth parameters for situations where an individual gaining supervised experience has been placed in an agency by a temporary staffing agency.

- Clarify requirements pertaining to supervision of experience gained outside of California and allow for some flexibility in the supervisor's license title.

In addition, the following have been incorporated into this regulation package:

- Proposed regulations, approved by the full Board at its meeting in March 2017, which clarifies supervision requirements for an individual who is gaining experience toward obtaining the "couples and families" specialty designation for LPCCs.
- Proposed regulations, approved by the full Board at its meeting in November 2018, which set forth criteria when an individual pursuing licensure has been placed in a work setting by a temporary employment agency.

Status of the Regulation Proposal

The regulation proposal was noticed to the public on February 7, 2020, and the 45-day public comment period ended on March 23, 2020. A public hearing was conducted online on March 23, 2020. Additional changes to the text were approved by the Board at its meeting in March 2021, which then were subject to a 15-day public comment period that ended on May 2, 2021.

Summary of Comments Received During 15-Day Public Comment Period and Proposed Responses

Below is a summary of the public comments received and staff's recommended responses:

1. Comment from Kathleen Hawks (see Attachment B)

Summary: The commenter asked why LMFTs were not included in section 1820.5(c)(2) pertaining to individuals who are supervising the treatment of couples and families by individuals pursuing LPCC licensure. She wondered if LMFTs should be listed due to their specialization in working with these client groups, or instead it is a given that they meet the education and experience requirement and therefore do not need to be listed.

Response: Board staff have reviewed this comment and do not recommend any changes to the text based thereon. Board staff notes that this comment is outside of the scope of this comment period. LMFTs are not listed in section 1820.5(c)(2) because they do not need to be. This is because LMFTs, by definition of their scope of practice, are specifically trained to treat couples and families (i.e. they specifically have this in their education/experience required for licensure.) However, LCSWs, licensed psychologists, and licensed physicians, while likely to have this training, are not necessarily required to have it. Therefore, the regulations state that if these license types are treating couples and families,

they need to have the education/experience to competently practice it and supervise its provision.

**2. Comments #1 and #2 from Teresa Pardini dated 04/19/2021 and 4/20/2021
(see Attachments C and D)**

The commenter submitted two comments. Comment #1 (dated 4/19/2021) was fully incorporated into the text of Comment #2 (dated 4/20/2021), so both are being responded to herein.

Summary: The commenter expressed concern that the “additional requirements for supervisors and their employers” place an undue burden on supervisors and will discourage supervisors from taking on supervisees. The commenter believes that in a field where there is already supervisor shortage, this will create a bottleneck in the training facilities and private practice availability for new Trainees and Associates, and the requirements will reduce production of new generations of therapists at a time when COVID has increased the great need for therapy.

Response: Board staff have reviewed this comment and do not recommend any changes to the text based thereon. Sections 1821(d)(3), 1833.1(d)(3) and 1870(d)(3) would implement an additional requirement for supervisors to notify the board within 60 days of the supervisor no longer being qualified to supervise. This requirement would not pose a significant burden to supervisors as it would be a simple communication sent to the Board through the Board’s website or via mail.

Additionally, this language, which had originally been proposed for the purpose of maintaining a current list of supervisors, is proposed to be stricken from the text for other reasons (See today’s agenda item V. The list was planned for internal use only. Staff realized that the list would need to maintain anyone who has supervised in the past for purposes of checking qualifications of supervisors when evaluating hours of experience submitted by applicants, which can be up to six years old (or more in the case of MFT practicum hours). In addition, the list would need to be used by staff when performing audits of supervisor records, and for use as past workforce data.).

Accordingly, there are no additional requirements for supervisors or their employers in the modified text. Perhaps the commenter was referring to originally proposed text which did contain new requirements. That text was already subject to an extensive public development process and a 45-day public comment period. The Board carefully weighed those changes with the public protection needs for greater accountability and transparency regarding the supervision process, and determined that the duties of supervisors and employers are not anticipated to create a significant burden on either.

Summary: The commenter expressed concern that the “additional requirements for agency investigation and certification of the validity of paperwork, in addition to the legal responsibility” will overload hiring agencies. The commenter states that in the Board’s assessment of costs, the Board makes no mention of the extra work this would require. The commenter believes that the Board would be shifting the bulk of the Board’s job and the legal responsibility of determining licensure qualifications of Associates to the individual agencies, and that this would be costly and legally worrisome.

The commenter also asks how the Board proposes that the agencies investigate and monitor the supervisor statements since “the Board has access to all of the licensure information for supervisors, and individual agencies do not.” The commenter states that agencies would have to use the Board’s information to check qualifications, for which the agencies “would be legally responsible.” The commenter states that these agencies are usually understaffed and overworked nonprofit agencies who provide services to racially under-served and low-socioeconomic populations, and many are surviving on a minimal budget with volunteers due to the pandemic.

Response: Board staff have reviewed this comment and do not recommend any changes to the text based thereon. Board staff notes that this comment is outside of the scope of this comment period. The proposed text the commenter is referencing went through an extensive development process that included a great deal of public participation, including the 45-day public comment period.

While the Board understands the challenges currently facing agencies, the proposed regulations would not add to their burden. Current statute (Business and Professions Code section 4980.43.4(d), 4996.23.3(d), and 4999.46.4(d) already requires employers that are not a private practice to sign a written oversight agreement with the supervisor in certain situations. Those situations are further specified in regulations (sections 1820(a), 1833(a) and 1869(a)), where some modifications are being proposed.

As to the commenter’s concerns about investigation and certification validity of paperwork, current and proposed regulations do not require such. However, agencies and other employers do check the licenses of those that they hire or who will volunteer with their agency, though this is not a requirement enforced by the Board.

In terms of forms to be completed by supervisors, the supervisor responsibility statements are a current regulatory requirement. The proposed regulations modify them, but not in a way that would significantly increase a supervisor or agency’s workload. The new supervisor self-assessment is designed to make it clearer for supervisors to understand their roles and responsibilities so that they are informed

and don't inadvertently violate the law, and is not expected to create a significant burden. The Board carefully weighed these changes with the public protection needs for greater accountability and transparency regarding the supervision process and the duties of supervisors.

Recommendation

Approve the proposed responses to public comments received, and direct staff to make any Board approved changes and any technical or nonsubstantive changes needed to complete the rulemaking process.

Attachments

Attachment A: Board-Approved Regulatory Language (Modified text for 15-day notice)

Attachment B: Comment from Kathleen Hawks

Attachment C: Comment #1 from Theresa Pardini

Attachment D: Comment #2 from Theresa Pardini

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ATTACHMENT A

California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 18. Board of Behavioral Sciences

Proposed amendments to the regulatory language are shown in single underline for new text and single strikethrough for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and underline with strikethrough or double strikethrough for newly proposed deletions.

Add § 1815.8. DOCUMENTATION OF SUPERVISED EXPERIENCE: DECEASED OR INCAPACITATED SUPERVISOR.

- (a) The Board board will accept satisfactory proof of completed hours of supervised experience that has not been signed by the supervisor, if the supervisor is deceased or incapacitated. Satisfactory proof includes, but is not limited to, all of the following:
- (1) Evidence that the supervisor is deceased or incapacitated.
 - (2) All supervision documentation which had previously been signed by the supervisor.
 - (3) Documentation from the employer verifying the employment of the supervisor and supervisee; or, if the supervisor was not employed by the organization supervisee's employer, the written oversight agreement executed between the supervisor and the organization supervisee's employer.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.40, 4980.43, 4980.60, 4996.20, 4996.23, 4999.12, 4999.46 and 4999.48, Business and Professions Code.

Amend § 1820. EXPERIENCE. SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION.

- (a) In order for experience to qualify under section 4999.50(a)(2) of the Code, it must have been gained in accordance with sections 4999.44 through 4999.47 of the Code and the regulations contained in this article.
- (b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the associate; monitoring and evaluating the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of professional

~~clinical counseling. Supervision shall include that amount of direct observation, or review of audio or video tapes of counseling, as deemed appropriate by the supervisor.~~

~~(c) The term "clinical setting," as used in this article means any setting that meets all the following requirements:~~

~~(1) Lawfully and regularly provides mental health counseling or psychotherapy; and,~~
~~(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in Chapter 16 (Commencing with Section 4999.10) of Division 2 of the Business and Professions Code and is within the scope of practice of the profession as specified therein.~~

~~(d) The term "community mental health setting," as used in section 4999.46 of the Code, means a clinical setting that meets all of the following requirements:~~

~~(1) Lawfully and regularly provides mental health counseling or psychotherapy;~~
~~(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;~~
~~(3) Clients receive coordinated care that includes the collaboration of mental health providers; and,~~
~~(4) Is not a private practice owned by a licensed professional clinical counselor, licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.~~

~~(e) Supervision shall be credited only upon the following conditions:~~

~~(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant or associate shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than six (6) hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) The applicant or associate shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.~~

~~(3) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the associate is consistent with the associate's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:~~

- ~~(A) Is aware of the licensing requirements that must be met by the associate and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and~~
- ~~(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the associate.~~

(a) Pursuant to section 4999.46.4 of the Code, in a setting which that is not a private practice, a written oversight agreement shall be executed between the supervisor and the supervisee's employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

- (1) The written oversight agreement shall be executed and signed prior to commencement of supervision and shall be submitted to the Board upon application for licensure.
 - (2) The agreement shall contain a statement from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.
 - (3) The agreement shall contain an acknowledgment by the employer that the employer:

 - (A) Is aware of the licensing requirements that must be met by the supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements;
 - (B) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee; and
 - (C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.
 - (4) The supervisor shall provide the signed agreement to the supervisee upon completion or termination of supervision. The supervisee shall submit the agreement to the board upon application for licensure.
- (b) Effective January 1, 2022, supervisors Supervisors shall complete and submit a self-assessment report pertaining to the licensee's qualifications to be a supervisor, as specified in section 1821, and in section 4999.12 of the Code.
- (c) (1) Within Except as specified in subsection (c)(2), within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement agreement, as specified in subsection (c)(3), under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board board with the supervisee's application for licensure.
- (2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to [OAL to insert effective date of regulation] July 1, 2021 are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with the application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The licensee's qualifications to be a supervisor as specified in section 1821, and in section 4999.12 of the Code.

(B) The supervisor affirms an understanding of the requirements pertaining to registration of the supervisee, acceptable supervision practices, work settings, supervisee employment employment, and oversight of supervisees as specified in sections 4999.46, 4999.46.1, 4999.46.2, 4999.46.3 and 4999.46.4 of the Code.

(C) The supervisor affirms an understanding of the requirements pertaining to direct supervisor contact as specified in section 4999.46.2 of the Code.

(D) The supervisor affirms an understanding of the supervision documentation required by this section and the Board's board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.

(E) The supervisee affirms an understanding of all of the following:

(i) 1. Requirements pertaining to registration as an associate as specified in section 4999.46 of the Code.

(ii) 2. The supervisee's supervisor must hold a current and active California license that is not under suspension or probation while supervising in order for hours to count toward licensure as specified in section 1821, and in section 4999.12 of the Code.

(iii) 3. Requirements pertaining to documentation of completed supervised experience as specified in this section.

(iv) 4. Prohibited practices pertaining to employment and supervisory relationships as specified in section 4999.46.3 of the Code.

(v) 5. The age limit pertaining to experience hours as specified in section 4999.46 of the Code.

(F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms an understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1821, and in section 4999.12 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

(4)(d) The applicant or associate maintains supervisee Supervisees shall maintain a record weekly log of all hours of experience gained toward licensure on the weekly summary form specified below. The record log of hours must be signed by the supervisor on a weekly basis. An associate The supervisee shall retain all weekly summary forms the signed logs until such time as the applicant supervisee is licensed by the board. The board shall have the right to require an applicant for licensure to submit all or such portions of the weekly summary forms log logs as it deems necessary to verify hours of experience. The log shall include all of the following:

(A) If the applicant is gaining experience to comply with section 4999.46(a) of the Code, the applicant shall use the "Weekly Summary of Experience Hours for

~~Associate Professional Clinical Counselors Option 1 – Streamlined Method” (Form No. 37A-639, New 08/2018), hereby incorporated by reference.~~

~~(B) If the applicant is gaining experience to comply with section 4999.46(b) of the Code, the applicant shall use the “Weekly Summary of Experience Hours for Associate Professional Clinical Counselors Option 2 – Multiple Category Method” (Form No. 37A-645, Revised 08/2018), hereby incorporated by reference.~~

(1) The name and address of the supervisee's work setting.

(2) Hours of experience gained per category as listed in sections 4999.46(c)(3), 4999.46(c)(5), and 4999.46.2(b) of the Code each per week.

(3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted to the Board board by the supervisee upon application for licensure and shall include all of the following:

(1) The supervisor's telephone number, and the supervisor's license information.

(2) The supervisee's employer's name, address address, and telephone number.

(3) Whether the supervisee's work setting complies with sections 4999.46.3 and 4999.46.4 of the Code.

(4) Documentation of employment or volunteer status, as specified in section 4999.46.3 of the Code.

(5) The applicant's accumulated hours of experience broken down by category.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

(f) When an associate employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the associate's employer.

Note: Authority cited: Sections Section 4990.20, 4999.48 and 4999.50, Business and Professions Code. Reference: Sections 4999.12, 4999.44, 4999.45, 4999.46 and 4999.47, 4999.46, 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4, 4999.48 and 4999.50, Business and Professions Code.

Add § 1820.3. PLACEMENT BY TEMPORARY STAFFING AGENCIES.

(a) A “temporary staffing agency” is defined as an agency that locates positions for individuals seeking temporary work, work and fills vacancies for agencies seeking individuals to perform work on a temporary basis.

(b) A “contracting agency” is defined as an agency where a supervisee has been placed by a temporary staffing agency.

(c) The following provisions apply to a supervisee who has been placed by a temporary staffing agency:

(1) The supervisee shall only perform mental health and related services at the places where the contracting agency permits business to be conducted.

(2) Notwithstanding section 18211820, the written oversight agreement shall be between the contracting agency and the supervisor when the supervisor is not an employee of the contracting agency or is a volunteer; and, in cases where the supervisor is an employee of the contracting agency, no written agreement shall be required.

(d) The employer of a supervisee who has been placed by a temporary staffing agency shall issue a W-2 tax form, or shall provide the employee with a letter verifying volunteer status as required in section 4999.46.3 of the Code. A supervisee who has been placed by a temporary staffing agency is subject to 4999.46.3(a) of the Code, regardless of whether a supervisee is employed by the temporary agency, or is employed by the contracting agency.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.46.3, 4999.46.4 and 4999.48, Business and Professions Code.

Amend § 1820.5. EXEMPTIONS FOR WORKING WITH COUPLES OR FAMILIES. ASSESSMENT OR TREATMENT OF COUPLES AND FAMILIES: EXEMPTIONS AND SUPERVISED EXPERIENCE.

(a) Clinical counselor trainees, as defined in section 4999.12, shall be exempt from section 4999.20 (a)(3) of the Code if the trainee is gaining supervised practicum experience to comply with sections 4999.32(c)(3)(I), or 4999.33(c)(3)(K) of the Code.

(b) Trainees may not count supervised experience with ~~couples or families~~ couples, families, or children toward the requirements of section 4999.20(a)(3) of the Code.

(c) Associate professional clinical counselors counselors, applicants for associate registration as described in section 4999.46(b) of the Code, and licensees shall be exempt from the scope of practice restrictions set forth in section 4999.20(a)(3) of the Code if the ~~associate or licensee meets~~ individual meets all of the following requirements:

(1) Is gaining supervised experience to comply with section 4999.20(a)(3)(B) or 4999.46(a)(3) of the Code.

(2) The supervised experience is gained under the direct supervision of a licensee who meets the definition of an “approved supervisor” as described in section 4999.12(h) of the Code. If the supervisor is a licensed professional clinical

counselor, ~~he or she~~ they must also meet all requirements specified in section 4999.20(a)(3) of the Code. A supervisor who is a licensed clinical social worker, licensed psychologist, or licensed physician who is board certified in psychiatry, shall have sufficient education and experience in treating couples and families to competently practice ~~couples~~ couple and family therapy in California.

(d) Professional Associate professional clinical counselors counselor associates, applicants for associate registration as described in section 4999.46(b) of the Code, and licensees gaining experience with couples, families, or children toward meeting the requirements of section 4999.20(a)(3)(B) of the Code, shall be supervised by a licensee who meets the qualifications of subsection (c)(2).

(d)(e) Collateral consultation may be provided to a family of an individual who is being treated by an LPCC or associate who does not meet the requirements of section 4999.20(a)(3) of the Code, and who is not working under supervision toward meeting the requirements of section 4999.20(a)(3) of the Code. Collateral contact with the family may include, but is not limited to, treatment planning, recommending resources, monitoring progress, or termination and aftercare planning.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.12, 4999.20, 4999.32 and 4999.33, 4999.32, 4999.33 and 4999.46, Business and Professions Code.

Amend § 1821. REQUIREMENTS FOR SUPERVISORS.

(a) Any person supervising an ~~associate~~ associate, or an applicant for associate registration as described in section 4999.46(b) of the Code, (hereinafter "supervisor") within California shall comply with the requirements set forth in this section.

~~(b) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Professional Clinical Counselor" (Form No. 37A-643, Revised 01/2020), hereby incorporated by reference, requiring that:~~

~~(1) The supervisor possesses and maintains a current and active California license as either a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical social worker, licensed educational psychologist, licensed psychologist, or physician who is certified in psychiatry as specified in section 4999.12(h) of the Code, and meets all other qualifications specified in section 4999.12(h) of the Code.~~

~~(2) The supervisor has held an active California or out-of-state license listed in subsection (1) for at least two years within the five-year period immediately preceding any supervision.~~

~~(3)(2) A supervisor who is not a licensed as a professional clinical counselor, shall have sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California. A supervisor~~

who is a licensed educational psychologist shall only supervise the provision of educationally related mental health services consistent with the scope of practice of an educational psychologist.

(4)(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep ~~The supervisor keeps himself or herself informed of developments in professional clinical counseling and in California law governing the practice of professional clinical counseling.~~

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect supervision.

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

(6) The supervisor has practiced psychotherapy, provided psychological counseling pursuant to subdivision (e) of section 4989.14 of the Code, or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(7)(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1821.3.

(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.

(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(8)(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of associates and the experience required for licensure as a

professional clinical counselor.

(9) The supervisor shall ensure that the extent, kind, and quality of counseling performed by the associate is consistent with the education, training, and experience of the associate.

(10)(8) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the associate supervisee by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor as specified in sections 4999.12(m) and 4999.46.1 of the Code.

(9) The supervisor shall complete an assessment of the ongoing strengths and limitations of the supervisee at least once a year and at the completion or termination of supervision. The supervisor shall provide the supervisee with a copy of all assessments.

(11)(10) The supervisor shall address with the associate the manner in which emergencies will be handled establish written procedures for supervisees to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist supervisees in handling crises and emergencies. The supervisor shall provide these procedures to the supervisee prior to the commencement of supervision.

(11) If the supervisor is a licensed professional clinical counselor who is supervising a licensee, an associate professional clinical counselor or an applicant for associate registration as described in section 4999.46(b) of the Code who is seeking experience to assess and treat couples or families in compliance with section 4999.20(a)(3)(B) of the Code, then the supervisor shall meet the additional training and education requirements specified in section 4999.20(a)(3) of the Code.

(c) Each supervisor shall provide the associate with the original signed "Responsibility Statement for Supervisors of an Associate Professional Clinical Counselor" (Form No. 37A-643, Revised 01/2020), prior to the commencement of any counseling or supervision. Associates shall provide the board with the signed "Responsibility Statement for Supervisors of an Associate Professional Clinical Counselor" (Form No. 37A-643, Revised 01/2020) from each supervisor upon application for licensure.

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

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

(d) Effective January 1, 2022, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following: report and submit it to the board as described in this subsection:-

(1) The supervisor self-assessment report shall include all of the following:

(1)(A) The licensee's qualifications to be a supervisor as specified in section 1821, and in section 4999.12 of the Code.

(2)(B) The supervisor's telephone number and email address. The telephone number shall be considered confidential and not subject to public disclosure.

(C) The supervisor's electronic mail address, if the supervisor has an electronic email address. The electronic mail address shall be considered confidential and not subject to public disclosure.

(3)(D) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.

(4)(E) The date the supervisor completed the training required by section 1821.3, and the length of the course(s) taken.

(5)(F) The supervisor affirms an understanding of all of the following:

(A) 1. The supervisor's license must meet the supervisor qualifications set forth in section 1821, and in section 4999.12 of the Code, for a supervisee's experience hours to be credited toward licensure.

(B) 2. The supervisee notification requirement set forth in subsection (a)(5) of this section.

(C) 3. The requirements set forth in section 4999.46.4 of the Code pertaining to the maximum number of registrants.

(D) 4. The Board's board's right to audit records pertaining to supervisor qualifications in accordance with section 4999.46.5 of the Code.

(E) 5. The requirement to complete a supervision agreement for each supervisee as specified in section 1820.

(e) Licensees who have not previously served as a board-qualified supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising, shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(2) The supervisor self-assessment report shall be submitted to the board as follows:

(f)(A) Licensees acting as a supervisor prior to January 1, 2022, as of July 1, 2021 shall submit a self-assessment report to the Board board, which shall be received by December 31 July 1, 2022.

(B) Licensees not supervising an associate as of July 1, 2021 shall submit a self-assessment report to the board, which shall be received within 60 days of the commencement of supervision.

(3) A supervisor shall notify the board within 60 days of being no longer qualified to supervise. A supervisor may also submit a request to be removed from the board's list of supervisors if the licensee no longer wishes to supervise individuals pursuing licensure.

~~(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an associate will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in section 1820 and sections 1999.46 through 1999.46.1 of the Code.~~

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

~~(h) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a)(6)(A).~~

Note: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code. Reference: Sections 4989.14, 4999.12, 4999.20, 4999.46, 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4 and 4999.46.5 and 4999.54, Business and Professions Code.

Add § 1821.1. SUBSTITUTE SUPERVISORS.

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1820, the substitute supervisor and supervisee's employer shall sign a written oversight agreement if required by section 1820, and the substitute supervisor shall sign the weekly log specified in section 1820.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

(1) A new supervisory plan, as specified in section 1820(c)(3)(F), is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.

(2) The experience gained during that 30-day period may be verified, as specified in section 1820(e), by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time.

Note: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code.
Reference: Sections 4999.12, 4999.46 and 4999.46.4, Business and Professions Code.

Add § 1821.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA.

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

(1) At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license or certification which was not under suspension or probation.

(2) The supervisor must have been licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a professional clinical counselor, clinical social worker, psychologist, physician certified in psychiatry by the American Board of Psychiatry and Neurology, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

Note: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code.
Reference: Sections 4999.12, 4999.60 and 4999.61, Business and Professions Code.

Add § 1821.3. SUPERVISOR TRAINING AND COURSEWORK.

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

(a) Beginning January Except as provided in subsection (d), beginning July 1, 2021, licensees who commence supervision for the first time in California shall obtain fifteen (15) hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the board in Article 8. If taken from an acceptable continuing education provider, the training or coursework may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(1) The training or coursework content shall include, but not be limited to, current best practices and current industry standards, which include legal requirements,

professional codes of ethics, and research focused on supervision, regarding the following:

- (A) Competencies necessary for new supervisors;
- (B) Goal setting and evaluation;
- (C) The supervisor-supervisee relationship;
- (D) California law and ethics, including legal and ethical issues related to supervision;
- (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
- (F) Contextual variables, such as treatment modality modalities, work settings, and use of technology;
- (G) Supervision theories and literature; and
- (H) Documentation and record keeping of the supervisee's client files, as well as documentation of supervision.

(2) If taken from a government agency or from an acceptable continuing education provider, this course the training or coursework shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution as defined in section 4999.12 of the Code, this course the training or coursework shall have been taken within four (4) years prior to commencing supervision, or within 60 days after commencing supervision.

(b) A Except as provided in subsection (d), a licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6) hour six (6) hours of supervision training or coursework within 60 days of resuming supervision.

(c) Supervisors Except as provided in subsection (d), supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities activities, and for which records of completion shall be maintained as specified in section 4999.46.5 of the Code:

(1) Training or coursework specific to the topic of supervision, obtained from a government agency or from an acceptable continuing education provider. If taken from an acceptable continuing education provider, it may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(2) Teaching a supervision course described in subsection (c)(1).

(3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. This shall not include personal opinion papers, editorials, or blogs.

(4) Collaboration with another licensee who also serves as a board-qualified supervisor through the use of mentoring or consultation. Documentation of attendance shall consist of a log signed by both parties.

(5) Attendance at supervisor peer discussion groups with other licensees who also serve as board-qualified supervisors. Documentation of attendance shall consist of a letter or certificate from the group leader or facilitator.

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

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

(2) Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by supervisees as specified in section 4999.12(h)(3) of the Code for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board shall accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of any one of the above entities specified in subsection (d)(1).

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

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.12 and 4999.48, Business and Professions Code.

Repeal § 1822. SUPERVISORY PLAN.

(a) All licensed mental health professionals acceptable to the board as defined in

~~section 4999.12 of the Code who assume responsibility for providing supervision under section 4999.16 of the Code shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan" (Form No. 37A-521, Revised 07/2019), hereby incorporated by reference.~~

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

~~Note: Authority cited: Sections 1990.20 and 4999.48, Business and Professions Code. Reference: Sections 4999.12 and 4999.16, Business and Professions Code.~~

Amend § 1833. EXPERIENCE. SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION.

~~(a) In order for experience to qualify under section 4980.40 of the Code, it must meet the following criteria:~~

~~(1) It must have been gained in accordance with sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.~~

~~(2) Experience shall not be credited for more than forty (40) hours in any week.~~

~~(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group counseling.~~

~~(4) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.~~

~~(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the associate or trainee; monitoring and evaluating the ability of the associate or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:~~

~~(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than six (6) hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty two (52) weeks.~~

~~(3) Any experience obtained under the supervision of a spouse, relative, or domestic partner 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 had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.~~

~~(4)(a) Pursuant to section 4980.43.4 of the Code, In in a setting which that is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written oversight agreement must shall be executed between the supervisor and the organization, supervisee's employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

(1) The written oversight agreement shall be executed and signed prior to commencement of supervision in which the supervisor agrees supervision, and shall be submitted to the Board upon application for licensure.

(2) The agreement shall contain a statement from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the associate or trainee supervisee is consistent with the associate's supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

(3) The agreement shall contain an acknowledgment by the employer that the employer:

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

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the associate or trainee. supervisee, and

(C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.

(4) The supervisor shall provide the signed agreement to the supervisee upon completion or termination of supervision. The supervisee shall submit the agreement to the board upon application for licensure.

~~(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by section 4980.43 of the Code.~~

~~(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage and family therapy will be credited.~~

~~(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in section 4980.43 of the Code, will be credited.~~

~~(d) Experience gained by associates and trainees shall be subject to the following conditions, as applicable:~~

~~(1) When an associate employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the associate's employer.~~

~~(2) A trainee shall not perform services in a private practice.~~

~~(3) Associates and trainees may only perform services as employees or volunteers and not as independent contractors.~~

(b) Effective January 1, 2022, supervisors Supervisors shall complete and submit a self-assessment report pertaining to the licensee's qualifications to be a supervisor, as specified in section 1833.1, and in section 4980.03 of the Code.

(c)(1) Within Except as specified in subsection (c)(2), within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement agreement, as specified in subsection (c)(3), under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to [OAL to insert effective date of regulation] July 1, 2021 shall complete a supervisory plan as required by subsection (c)(3)(F), but are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with the application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The licensee's qualifications to be a supervisor as specified in section 1833.1, and in section 4980.03 of the Code.

(B) The supervisor affirms an understanding of the requirements pertaining to registration of the supervisee, work settings, employment, acceptable supervision practices practices, work settings, supervisee employment, and oversight of supervisees as specified in sections 4980.43, 4980.43.1, 4980.43.2,

4980.43.3 and 4980.43.4 of the Code.

(C) The supervisor affirms an understanding of the requirements pertaining to direct supervisor contact as specified in section 4980.43.2 of the Code.

(D) The supervisor affirms an understanding of the supervision documentation required by this section and the Board's board's right to audit a supervisor's compliance with the requirements in this article and in the Code.

(E) The supervisee affirms an understanding of all of the following:

(i) 1. Requirements pertaining to registration as an associate as specified in section 4980.43 of the Code.

(ii) 2. The supervisee's supervisor must hold a current and active California license that is not under suspension or probation while supervising in order for hours to count toward licensure as specified in section 1833.1, and in section 4980.03 of the Code.

(iii) 3. Requirements pertaining to documentation of completed supervised experience as specified in this section.

(iv) 4. Prohibited practices pertaining to employment and supervisory relationships as specified in section 4980.43.3 of the Code.

(v) 5. The age limit pertaining to experience hours as specified in section 4980.43 of the Code.

(F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms an understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1833.1, and in section 4980.43.1 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

(e)(d) Effective January 1, 1991, trainees and associates Supervisees shall maintain a weekly log of all hours of experience gained toward licensure. The log of hours shall be signed by the supervisor on a weekly basis. An applicant The supervisee shall retain all the signed logs until such time as the applicant supervisee is licensed by the board. The board shall have the right to require an applicant for licensure to submit all or such portions of the log logs as it deems necessary to verify hours of experience. The log shall include all of the following:

(1) If the applicant is gaining experience to comply with section 4980.43(a) of the Code, the applicant shall use the "Marriage and Family Therapist Trainee/Associate Weekly Summary of Experience Hours Option 1—Streamlined Method" (Form No. 37A-524, Revised 08/2018), hereby incorporated by reference.

(2) If the applicant is gaining experience to comply with section 4980.43(b) of the Code, the applicant shall use the "Marriage and Family Therapist Trainee/Associate Weekly Summary of Experience Hours Option 2—Multiple Category Method" (Form No. 37A-524a, Revised 08/2018), hereby incorporated by reference.

- (1) The name and address of the supervisee's work setting.
- (2) Hours of experience gained per category as listed in sections 4980.43(c)(8), 4980.43(c)(10), and 4980.43.2(b) of the Code each per week.
- (3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted to the board by the supervisee upon application for licensure and shall include all of the following:

- (1) The supervisor's telephone number and license information.
- (2) The supervisee's employer's name, address address, and telephone number.
- (3) Whether the supervisee's work setting complies with sections 4980.43.3 and 4980.43.4 of the Code.
- (4) If the supervisee was an associate at the time the experience was gained, documentation of employment or volunteer status, as specified in section 4980.43.3 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

Note: Authority cited: Sections 4980.35 and 4980.35, 4980.60, and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.40, 4980.42, 4980.43, 4980.43.4 and 4980.44 and 4980.45, Business and Professions Code.

Add § 1833.05. PLACEMENT BY TEMPORARY STAFFING AGENCIES.

- (a) A "temporary staffing agency" is defined as an agency that locates positions for individuals seeking temporary work, work and fills vacancies for agencies seeking individuals to perform work on a temporary basis.
- (b) A "contracting agency" is defined as an agency where a supervisee has been placed by a temporary staffing agency.
- (c) The following provisions apply to a supervisee who has been placed by a temporary staffing agency:
 - (1) The supervisee shall only perform mental health and related services at the places where the contracting agency permits business to be conducted.
 - (2) Notwithstanding section 1833, the written oversight agreement shall be between the contracting agency and the supervisor when the supervisor is not an employee of the contracting agency or is a volunteer.; and, in cases where the supervisor is an employee of the contracting agency, no written agreement shall be required.

(d) The employer of a supervisee who has been placed by a temporary staffing agency shall issue a W-2 tax form, or shall provide the employee with a letter verifying volunteer status as required in section 4999.46.3 of the Code. A supervisee who has been placed by a temporary staffing agency is subject to 4980.43.3(a) of the Code, regardless of whether a supervisee is employed by the temporary agency, or is employed by the contracting agency.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.35, 4980.43.3, 4980.43.4 and 4980.60, Business and Professions Code.

Amend § 1833.1. REQUIREMENTS FOR SUPERVISORS.

(a) Any person supervising a trainee or an associate associate, or an applicant for associate registration as described in section 4980.43(b) of the Code, (hereinafter "supervisor") within California shall comply with the requirements below.

(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Associate" (Form No. 37A-523, Revised 01/2020), hereby incorporated by reference, requiring that:

(1) The supervisor possesses and maintains a current and active California license as either a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed educational psychologist, licensed psychologist, or physician who is certified in psychiatry as specified in section 4980.03(g) of the Code, and meets all other qualifications specified in section 4980.03(b) of the Code.

(2) The supervisor has held an active California or out of state license listed in subsection (1) for at least two years within the five-year period immediately preceding any supervision.

(3)(2) A supervisor who is not a licensed as a licensed marriage and family therapist, shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California. A supervisor who is a licensed educational psychologist shall only supervise the provision of educationally related mental health services consistent with the scope of practice of an educational psychologist.

(A) If the supervisor is a licensed professional clinical counselor, the supervisor shall meet the additional training and education requirements specified in section 4999.20(a)(3) of the Code pertaining to assessment and treatment of couples or families.

(4)(3) The supervisor keeps himself or herself The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect supervision.

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

(6) The supervisor has practiced psychotherapy, provided psychological counseling pursuant to subdivision (e) of section 4989.14 of the Code, or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of psychotherapy performed by a social work intern or professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(7)(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1834.

(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.

(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(8)(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and associates and the experience required for licensure as a marriage and family therapist.

(9) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or associate.

(10)(8) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or associate supervisee by direct observation,

~~review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor as specified in section 4980.43.1(b) of the Code.~~

(9) The supervisor shall complete an assessment of the ongoing strengths and limitations of the supervisee at least once a year and at the completion or termination of supervision. The supervisor shall provide the supervisee with a copy of all assessments.

~~(11)(10) The supervisor shall address with the trainee or associate the manner in which emergencies will be handled. establish written procedures for supervisees to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist supervisees in handling crises and emergencies. The supervisor shall provide these procedures to the supervisee prior to the commencement of supervision.~~

~~(b) Each supervisor shall provide the trainee or associate with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Associate" (Form No. 37A-523, Revised 01/2020) prior to the commencement of any counseling or supervision. Trainees and associates shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Associate" (Form No. 37A-523, Revised 01/2020) from each supervisor upon application for licensure.~~

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

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

~~(d) Effective January 1, 2022, a~~ A supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following: report and submit it to the board as described in this subsection:

(1) The supervisor self-assessment report shall include all of the following:

(1)(A) The licensee's qualifications to be a supervisor as specified in section 1833.1, and in section 4980.03 of the Code.

(2)(B) The supervisor's telephone number and email address. The telephone number shall be considered confidential and not subject to public disclosure.

(C) The supervisor's electronic mail address, if the supervisor has an electronic email address. The electronic mail address shall be considered confidential and not subject to public disclosure.

(3)(D) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.

(4)(E) The date the supervisor completed the training required by section 1834, and the length of the course(s) taken.

(5)(F) The supervisor affirms an understanding of all of the following:

(A) 1. The supervisor's license must meet the supervisor qualifications set forth in section 1833.1, and in section 4980.03 of the Code, for a supervisee's experience hours to be credited toward licensure.

(B) 2. The supervisee notification requirement set forth in subsection (a)(5) of this section.

(C) 3. The requirements set forth in section 4980.43.4 of the Code pertaining to the maximum number of registrants.

(D) 4. The Board's board's right to audit records pertaining to supervisor qualifications in accordance with section 4980.43.5 of the Code.

(E) 5. The requirement to complete a supervision agreement for each supervisee as specified in section 1833.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where a trainee or associate will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in section 1833 and sections 4980.43 through 4980.43.4 of the Code.

(e) Licensees who have not previously served as a supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising, shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(2) The supervisor self-assessment report shall be submitted to the board as follows:

(f)(A) Licensees acting A licensee who is supervising one or more trainees or associates as a supervisor prior to January 1, 2022, as of July 1, 2021 shall submit a self-assessment report to the Board board, which shall be received by December 31 July 1, 2022.

(B) Licensees not supervising a trainee or associate as of July 1, 2021 shall submit a self-assessment report to the board, which shall be received within 60 days of the commencement of supervision.

(3) A supervisor shall notify the board within 60 days of being no longer qualified to supervise. A supervisor may also submit a request to be removed from the board's

list of supervisors if the licensee no longer wishes to supervise individuals pursuing licensure.

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

~~(g) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a)(6)(A).~~

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.

Reference: Sections 4980.03, 4980.42, 4980.43, 4980.43.1, 4980.43.2, 4980.43.3, 4980.43.4, 4980.43.5 and 4989.14, Business and Professions Code.

Add § 1833.1.5. SUBSTITUTE SUPERVISORS.

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1833, the substitute supervisor and supervisee's employer shall sign a written oversight agreement if required by section 1833, and the substitute supervisor shall sign the weekly log required by section 1833.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

(1) A new supervisory plan as specified in section 1833(c)(3)(F) is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.

(2) The experience gained during that 30-day period may be verified as specified in section 1833(e) by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.43 and 4980.43.4, Business and Professions Code.

Amend § 1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA.

(a) Experience gained outside of California on or after January 1, 1991 must have been supervised in accordance with the following criteria:

(1) At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred and possessed a current and active license or certification which was not under suspension or probation.

(2) The supervisor was must have been licensed or certified by that state or jurisdiction, for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry as specified in Section 4980.40(f) of the code by the American Board of Psychiatry and Neurology, professional clinical counselor, or a marriage and family therapist or similarly titled marriage and family practitioner practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

(3) In a state or jurisdiction which does not license or certify marriage and family therapists or similarly titled marriage and family practitioners, experience may be obtained under the supervision of a person who at the time of supervision held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and who maintained such membership throughout the period of supervision.

Note: Authority cited: Sections 4980.35, 4980.40(f) and 4980.60, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.40(f), 4980.42-4980.45 and 4980.90, 4980.72 and 4980.74, Business and Professions Code.

Add § 1834. SUPERVISOR TRAINING AND COURSEWORK.

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

(a) Beginning January Except as provided in subsection (d), beginning July 1, 2021, licensees who commence supervision for the first time in California shall obtain fifteen (15) hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board board in Article 8. If taken from an acceptable continuing education provider, the training may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(1) The training or coursework content shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:

- (A) Competencies necessary for new supervisors;
- (B) Goal setting and evaluation;
- (C) The supervisor-supervisee relationship;
- (D) California law and ethics, including legal and ethical issues related to supervision;

(E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;

(F) Contextual variables, such as treatment modality modalities, work settings, and use of technology;

(G) Supervision theories and literature; and

(H) Documentation and record keeping of the supervisee's client files, as well as documentation of supervision.

(2) If taken from a government agency or from an acceptable continuing education provider, this course the training or coursework shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution as defined in section 4980.03 of the Code, this course the training or coursework shall have been taken within four (4) years prior to commencing supervision, or within 60 days after commencing supervision.

(b) A Except as provided in subsection (d), a licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6) hour six (6) hours of supervision training or coursework within 60 days of resuming supervision.

(c) Supervisors Except as provided in subsection (d), supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities activities, and for which records of completion shall be maintained as specified in section 4980.43.5 of the Code:

(1) Training or coursework specific to the topic of supervision, obtained from a government agency or from an acceptable continuing education provider. If taken from an acceptable continuing education provider, it may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(2) Teaching a supervision course described in subsection (c)(1).

(3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. This shall not include personal opinion papers, editorials, or blogs.

(4) Collaboration with another licensee who also serves as a board-qualified supervisor through the use of mentoring or consultation. Documentation of attendance shall consist of a log signed by both parties.

(5) Attendance at supervisor peer discussion groups with other licensees who also serve as board-qualified supervisors. Documentation of attendance shall consist of a letter or certificate from the group leader or facilitator.

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

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

(2) Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by supervisees as specified in section 4980.03(g)(3) of the Code for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board shall accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of any one of the above entities specified in subsection (d)(1).

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

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.03 and 4980.35, Business and Professions Code.

Add § 1869. To Division 18, Article 6: § 1869. SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION.

(a) Pursuant to section 4996.23.3 of the Code, in a setting which that is not a private practice, a written oversight agreement shall be executed between the supervisor and the supervisee's employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(1) The written oversight agreement shall be executed and signed prior to the commencement of supervision and shall be submitted to the Board upon application for licensure.

(2) The agreement shall contain a statement from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the supervisee is

consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

(3) The agreement shall contain an acknowledgment by the employer that the employer:

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

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee; and

(C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.

(4) The supervisor shall provide the signed agreement to the supervisee upon completion or termination of supervision. The supervisee shall submit the agreement to the board upon application for licensure.

(b) Effective January 1, 2022, supervisors Supervisors shall complete and submit a self-assessment report pertaining to the licensee's qualifications to be a supervisor, as specified in section 1870, and in section 4996.20 of the Code.

(c)(1) Within Except as provided in subsection (c)(2), within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement agreement, as specified in subsection (c)(3), under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to [OAL to insert effective date of regulation] July 1, 2021 are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with the application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The licensee's qualifications to be a supervisor as specified in section 1870, and in section 4996.20 of the Code.

(B) The supervisor affirms an understanding of the requirements pertaining to registration of the supervisee, acceptable supervision practices, work settings, supervisee employment, supervision practices and oversight of supervisees as specified in sections 4996.18, 4996.23, 4996.23.2 and 4996.23.3 of the Code.

(C) The supervisor affirms an understanding of the requirements pertaining to direct supervisor contact as specified in section 4996.23.1 of the Code.

(D) The supervisor affirms an understanding of the supervision documentation required by this section and the Board's board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.

(E) The supervisee affirms an understanding of all of the following:

(i) 1. Requirements pertaining to registration as an associate as specified in section 4996.18 of the Code.

(ii) 2. The supervisee's supervisor must hold a current and active California license that is not under suspension or probation while supervising in order for hours to count toward licensure as specified in section 1870, and in section 4996.20 of the Code.

(iii) 3. Requirements pertaining to documentation of completed supervised experience as specified in this section.

(iv) 4. Prohibited practices pertaining to employment and supervisory relationships as specified in section 4996.23.2 of the Code.

(v) 5. The age limit pertaining to experience hours as specified in section 4996.23 of the Code.

(F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms an understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1870, and in section 4996.20 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

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

(1) The name and address of the supervisee's work setting

(2) Hours of experience gained per category as listed in sections 4996.23(d)(2), 4996.23(d)(3), and 4996.23.1(b) of the Code each per week.

(3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted to the board by the supervisee upon application for licensure and shall include all of the following:

(1) The supervisor's telephone number and license information.

(2) The supervisee's employer's name, address address, and telephone number.

(3) Whether the supervisee's work setting complies with section 4996.23.2 of the

Code.

(4) Documentation of employment or volunteer status, as specified in section 4996.23.2 of the Code.

(5) The applicant's accumulated hours of experience broken down by category.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18, 4996.20, 4996.23, 4996.23.1, 4996.23.2 and 4996.23.3, Business and Professions Code.

Add § 1869.3. PLACEMENT BY TEMPORARY STAFFING AGENCIES.

(a) A "temporary staffing agency" is defined as an agency that locates positions for individuals seeking temporary work, work and fills vacancies for agencies seeking individuals to perform work on a temporary basis.

(b) A "contracting agency" is defined as an agency where a supervisee has been placed by a temporary staffing agency.

(c) The following provisions apply to a supervisee who has been placed by a temporary staffing agency:

(1) The supervisee shall only perform mental health and related services at the places where the contracting agency permits business to be conducted.

(2) Notwithstanding section 1869, the written oversight agreement shall be between the contracting agency and the supervisor when the supervisor is not an employee of the contracting agency or is a volunteer.; and, in cases where the supervisor is an employee of the contracting agency, no written agreement shall be required.

(d) The employer of a supervisee who has been placed by a temporary staffing agency shall issue a W-2 tax form, or shall provide the employee with a letter verifying volunteer status as required in section 4999.46.3 of the Code. A supervisee who has been placed by a temporary staffing agency is subject to 4996.23.2(a) of the Code, regardless of whether a supervisee is employed by the temporary agency, or is employed by the contracting agency.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.23.2 and 4996.23.3, Business and Professions Code.

Amend § 1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS.

(a) Any person supervising an associate clinical social worker registered with the board or an applicant for associate registration as described in section 4996.23(b) of the Code (hereinafter called "supervisor") within California shall comply with the requirements set forth below.

(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (Form No. 37A-522, Revised 01/2020) hereby incorporated by reference, which requires that:

(1) The supervisor possesses and maintains a current and active California license as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in section 4996.20(a) of the Code, and meets all other qualifications specified in section 4996.20(a) of the Code.

(2) The supervisor has held an active California or out-of-state license listed in subsection (1) for at least two years within the five year period immediately preceding any supervision.

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

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

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma related issues that may affect supervision.

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

(4) The supervisor has practiced psychotherapy, provided psychological counseling pursuant to subdivision (e) of section 4989.14 of the Code, or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers for at least two (2) years within the last five (5) years immediately preceding supervision. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(5)(6) A supervisor who is a licensed educational psychologist shall only supervise the provision of educationally related mental health services consistent with the scope of practice of an educational psychologist.

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

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

- ~~(i) Familiarity with supervision literature through reading assignments specified by course instructors;~~
- ~~(ii) Facilitation of therapist-client and supervisor-therapist relationships;~~
- ~~(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;~~
- ~~(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~
- ~~(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~
- ~~(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

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

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

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

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

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

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

~~(9) The supervisor and the associate shall develop the "Supervisory Plan" as described in section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.~~

~~(10) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (Form No. 37A-522, Revised 01/2020), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

~~(11) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.~~

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the supervisee as specified in section 4996.20(b) of the Code.

~~(12)(10) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate supervisee at least once a year and at the completion or termination of supervision. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor. The supervisor shall provide the supervisee with a copy of all assessments.~~

~~(13) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.~~

(11) The supervisor shall establish written procedures for supervisees to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist supervisees in handling crises and emergencies. The supervisor shall provide these procedures to the supervisee prior to the commencement of supervision.

~~(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(6)(A).~~

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

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

(d) Effective January 1, 2022, a A supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following report and submit it to the board as described in this subsection:

(1) The supervisor self-assessment report shall include all of the following:

(1)(A) The licensee's qualifications to be a supervisor as specified in section 1870, and in and section 4996.20 of the Code.

(2)(B) The supervisor's telephone number and email address. The telephone number shall be considered confidential and not subject to public disclosure.

(C) The supervisor's electronic mail address, if the supervisor has an electronic email address. The electronic mail address shall be considered confidential and not subject to public disclosure.

(3)(D) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.

(4)(E) The date the supervisor completed the training required by section 1871, and the length of the course(s) taken.

(5)(F) The supervisor affirms an understanding of all of the following:

(A) 1. The supervisor's license must meet the supervisor qualifications set forth in section 1870, and in section 4996.20 of the Code, for a supervisee's experience hours to be credited toward licensure.

(B) 2. The supervisee notification requirement set forth in subsection (a)(5) of this section.

(C) 3. The requirements set forth in section 4996.23.3 of the Code pertaining to the maximum number of registrants.

(D) 4. The Board's board's right to audit records pertaining to supervisor qualifications in accordance with section 4996.21 of the Code.

(E) 5. The requirement to complete a supervision agreement for each supervisee as specified in section 1869.

(e) Licensees who have not previously served as a supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising, shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(2) The supervisor self-assessment report shall be submitted to the board as follows:

(f)(A) Licensees acting A licensee who is supervising one or more associates as a

supervisor prior to January 1, 2022, as of July 1, 2021 shall submit a self-assessment report to the Board board, which shall be received by December 31 July 1, 2022.

(B) Licensees not supervising an associate as of July 1, 2021 shall submit a self-assessment report to the board, which shall be received within 60 days of the commencement of supervision.

(3) A supervisor shall notify the board within 60 days of being no longer qualified to supervise. A supervisor may also submit a request to be removed from the board's list of supervisors if the licensee no longer wishes to supervise individuals pursuing licensure.

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

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4989.14, 4996.18, 4996.20, 4996.23, 4996.23.1 and 4996.23.2, 4996.23.1, 4996.23.2 and 4996.23.3, Business and Professions Code.

Repeal § 1870.1. SUPERVISORY PLAN.

(a) On and after January 1, 1999, all associate clinical social workers and licensed mental health professionals acceptable to the board as defined in section 4996.20(a) of the Code who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (Form No. 37A-521, Revised 07/2019), hereby incorporated by reference.

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

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18, 4996.20 and 4996.23, Business and Professions Code.

Add § 1870.3. SUBSTITUTE SUPERVISORS.

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1869, the substitute supervisor and supervisee's employer shall sign

a written oversight agreement if required by section 1869, and the substitute supervisor shall sign the weekly log specified in section 1869.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

(1) A new supervisory plan as specified in section 1869(c)(3)(F) is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.

(2) The experience gained during that 30-day period may be verified as specified in section 1869(e) by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.20 and 4996.23.3, Business and Professions Code.

Add § 1870.5. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA.

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

(1) At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license or certification which was not under suspension or probation.

(2) The supervisor must have been licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry by the American Board of Psychiatry and Neurology, professional clinical counselor, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.17.1, 4996.17.2 and 4996.20, Business and Professions Code.

Add § 1871. SUPERVISOR TRAINING AND COURSEWORK.

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

(a) Beginning January Except as provided in subsection (d), beginning July 1, 2021, licensees who commence supervision for the first time in California shall obtain fifteen (15) hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the board in Article 8. If

taken from an acceptable continuing education provider, the training or coursework may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(1) The training or coursework content shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:

- (A) Competencies necessary for new supervisors;
- (B) Goal setting and evaluation;
- (C) The supervisor-supervisee relationship;
- (D) California law and ethics, including legal and ethical issues related to supervision;
- (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
- (F) Contextual variables, such as treatment modality, work settings, and use of technology;
- (G) Supervision theories and literature; and
- (H) Documentation and record keeping of the supervisee's client files, as well as documentation of supervision.

(2) If taken from a government agency or from an acceptable continuing education provider, this course the training or coursework shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution as defined in section 4996.18(b)(3) of the Code, this course the training or coursework shall have been taken within four (4) years prior to commencing supervision, or within 60 days after commencing supervision.

(b) A Except as provided in subsection (d), a licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6) hour six (6) hours of supervision training or coursework within 60 days of resuming supervision.

(c) Supervisors Except as provided in subsection (d), supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities activities, and for which records of completion shall be maintained as specified in section 4996.21 of the Code:

- (1) Training or coursework specific to the topic of supervision, obtained from a

government agency or from an acceptable continuing education provider. If taken from an acceptable continuing education provider, it may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(2) Teaching a supervision course described in subsection (c)(1).

(3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. This shall not include personal opinion papers, editorials, or blogs.

(4) Collaboration with another licensee who also serves as a board-qualified supervisor through the use of mentoring or consultation. Documentation of attendance shall consist of a log signed by both parties.

(5) Attendance at supervisor peer discussion groups with other licensees who also serve as board-qualified supervisors. Documentation of attendance shall consist of a letter or certificate from the group leader or facilitator.

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

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

(2) Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by supervisees as specified in section 4996.20(a)(2) of the Code for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board shall accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of any one of the above entities specified in subsection (d)(1).

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

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.20, Business and Professions Code.

ATTACHMENT B

From: Kathleen Hawks <khawks@calsouthern.edu>
Sent: Friday, April 16, 2021 6:07 PM
To: Helms, Rosanne@DCA <Rosanne.Helms@dca.ca.gov>
Cc: Kathleen Hawks <khawks@calsouthern.edu>
Subject: FW: 15-Day Notice of Modification to Text of Proposed Supervision Regulations and Initial Statement of Reasons Addendum

[EXTERNAL]: khawks@calsouthern.edu

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!
DO NOT: click links or open attachments unless you know the content is safe.
NEVER: provide credentials on websites via a clicked link in an Email.

Hi Rosanne,

First off I want to thank the Board again for all you do.

I have a quick question please. Why are MFTs not listed with the other supervision license types within the following LPCC scope of practice section:

(2) The supervised experience is gained under the direct supervision of a licensee who meets the definition of an "approved supervisor" as described in section 4999.12(h) of the Code. If the supervisor is a licensed professional clinical

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counselor, he or she they must also meet all requirements specified in section 4999.20(a)(3) of the Code. A supervisor who is a licensed clinical social worker, licensed psychologist, or licensed physician who is board certified in psychiatry, shall have sufficient education and experience in treating couples and families to competently practice couples couple and family therapy in California.

Shouldn't MFTs be listed here as well by virtue of the specialization for working with these client groups? Or is it a given that they meet the sufficient education and experience requirement and therefore do not need to be listed here?

Thank you for your time.

Have a good weekend.

Best,

Kathleen

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Master of Arts (MA) Program Coordinator
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ATTACHMENT C

-----Original Message-----

From: tpardini2@gmail.com <tpardini2@gmail.com>
Sent: Monday, April 19, 2021 6:01 PM
To: DCA, BBS LMFT@DCA <BBS.LMFT@dca.ca.gov>
Subject: LMFT Inquiry

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Legal Name: Teresa
Licensee Name: Pardini
License/Registration Type: LMFT
License/Registration Number: 40720
Exam Type: Not Applicable
Your Message: Dear Board of Behavioral Sciences,

I have read the pending suggested additional requirements for Supervisors . I am concerned that these additional requirements place an undue burden on supervisors in an already difficult supervisory job. In addition, these requirements will discourage new supervisors and existing supervisors from taking on Trainees and Associates as supervisees. In a field where there is already supervisor shortage, this will create a bottle neck in the training facilities and private practice availability for new Trainees and Associates. These requirements will reduce production of new generations of therapists at a time when COVID has increased the great need for therapy.

Please reconsider implementing these changes.

Sincerely,
Teresa L. Pardini, LMFT
Trainee and Associate supervisor for two agencies

ATTACHMENT D

Berger, Christy@DCA

From: Teresa Pardini <tpardini2@gmail.com>
Sent: Tuesday, April 20, 2021 7:05 PM
To: Berger, Christy@DCA
Subject: Supervisor changes

[EXTERNAL]: tpardini2@gmail.com

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!

DO NOT: click links or open attachments unless you know the content is safe.

NEVER: provide credentials on websites via a clicked link in an Email.

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Dear Board of Behavioral Sciences,

I have read the pending suggested additional requirements for Supervisors and their employers. I am concerned that these additional requirements place an undue burden on supervisors in an already difficult supervisory job. In addition, these requirements will discourage new supervisors and existing supervisors from taking on Trainees and Associates as supervisees.

In a field where there is already supervisor shortage, this will create a bottle neck in the training facility and private practice supervisor availability for new Trainees and Associates. Also, the requirements for agency investigation and certification of the validity of paperwork, in addition to the legal responsibility, will overload the hiring agencies. In your assessment of costs, you make no mention of the extra work this would require to check the additional qualifications and monitor the supervisor's requirements every year, as well as maintain and file the copious paperwork.

In essence, the BBS is shifting the bulk of ITS job and the legal responsibility of determining licensure qualifications of Associates to the individual agencies. This is costly and legally worrisome. How do you propose that the agencies investigate and monitor the supervisor statements? The BBS has access to all of the licensure information for supervisors, individual agencies do not. They would have to use the BBS information anyways to check qualifications, for which they would be legally responsible! Are you prepared to form a department to handle these investigations by private agencies and monitor all this copious paperwork? These agencies are usually understaffed and overworked non-profit agencies who provide services to racially under-served and low-socioeconomic populations. Many of these agencies have had to let go of directors, coordinators, and office personelle and are surviving on a shoe-string budget with volunteers due to the pandemic. They have had to surviveThese changes BBS requirements will reduce production of new generations of therapists at a time when COVID has increased the great need for therapy. In addition, it is egregious that you overburden these agencies and private practices in a pandemic, when many are financially struggling.

Please reconsider implementing these changes. I vote no.

Sincerely,
Teresa L. Pardini, LMFT
Trainee and Associate supervisor for two agencies

Sent from my iPhone