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To: Committee Members **Date:** November 14, 2022

From: Rosanne Helms
Legislative Manager

Subject: Required Display of License or Registration

All licensees and registrants of the Board of Behavioral Sciences (Board) receive a paper copy of their license or registration from the Board. The law requires that they display this license in a conspicuous place in their primary place of practice. (Business and Professions Code (BPC) §§4980.31, 4989.48, 4996.7, 4999.70) This was likely required so that a client could see that their therapist actually had a license or registration.

BPC §§ 4980.31, 4989.48, 4996.7, 4999.70

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

The increased use of telehealth raises the question of whether this law needs updating. Some therapist's primary place of practice may be virtual, making it difficult or impossible for the license or registration to be on display.

Current law does not necessarily require all licensees and registrants to provide a license or registration number when they begin services with a client (MFT associates are an exception to this and are required to provide their number, per BPC §4980.44). However, all licensees and registrants are required to provide their license or registration number and type of license or registration when they initiate telehealth services with a client. (California Code of Regulation (CCR) Title 16, §1815.5(c)) Additionally, all licensees and registrants are required to include their license or registration number in advertisements. (16 CCR §1811(a)(3)

There are a couple of different options if the Board wishes to update the law requiring a licensee or registrant to display their license or registration certificate in their primary place of practice.

- **Option 1:** Amend BPC sections 4980.31, 4989.48, 4996.7, 4999.70 to state the following:

A licensee or registrant shall display his or her their license or registration in a conspicuous place in the licensee's their primary place of practice. If practice is via telehealth, display of the license or registration is not required, but the license or registration number shall be provided to the client in compliance with board regulations.

- **Option 2:** Require all licensees and registrants to either provide their license or registration number, or to provide a copy of their license or registration certificate, upon initiation of psychotherapeutic services. If the Board chooses to do this, it may also reasonably choose to delete or amend the sections in statute requiring the display of the license in a conspicuous place in the primary place of practice.

Recommendation

Conduct an open discussion regarding whether the law requiring licensees and registrants to display their license or registration in a conspicuous place in their primary place of practice should be updated to account for telehealth.

Attachments

Attachment A: Relevant Law: BPC §§4980.31, 4980.44, 4989.48, 4996.7, 4999.70, 16 CCR §§1811, 1815.5

Attachment A
Relevant Law

Business and Professions Code (BPC) §4980.31 (LMFT)

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

(BPC) §4980.44 (LMFT)

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

(a) Inform each client or patient prior to performing any mental health and related services that the person is an unlicensed registered associate marriage and family therapist, provide the person's registration number and the name of the person's employer, and indicate whether the person is under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed educational psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

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

(A) That the person is a registered associate marriage and family therapist.

(B) The associate's registration number.

(C) The name of the person's employer.

(D) That the person is supervised by a licensed person.

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

(BPC) §4989.48 (LEP)

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

(BPC) §4996.7 (LCSW)

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

(BPC) §4999.70 (LPCC)

A licensee shall display his or her license in a conspicuous place in his or her primary place of practice.

California Code of Regulation Title 16 (16 CCR) §1811 (All Board License/Registration Types)

§ 1811. Advertising.

(a) All persons or referral services regulated by the board who advertise their services shall include all of the following information in any advertisement.

- (1) The full name of the licensee, registrant, or registered referral service as filed with the board.
- (2) The complete title of the license or registration held or an acceptable abbreviation, as follows:
 - (A) Licensed Marriage and Family Therapist, or MFT, or LMFT.
 - (B) Licensed Educational Psychologist or LEP.
 - (C) Licensed Clinical Social Worker or LCSW.
 - (D) Registered Associate Marriage and Family Therapist or Registered Associate MFT. The abbreviation "AMFT" shall not be used in an advertisement unless the title "registered associate marriage and family therapist" appears in the advertisement.
 - (E) Registered Associate Clinical Social Worker or Registered Associate CSW. The abbreviation "ASW" shall not be used in an advertisement unless the title "registered associate clinical social worker" appears in the advertisement.
 - (F) Registered MFT Referral Service.
 - (G) Licensed Professional Clinical Counselor or LPCC.

(H) Registered Associate Professional Clinical Counselor or Registered Associate PCC. The abbreviation “APCC” shall not be used in an advertisement unless the title “registered associate professional clinical counselor” appears in the advertisement.

(3) The license or registration number.

(b) Registrants must include the name of his or her employer in an advertisement, or if not employed, the name of the entity for which he or she volunteers.

(c) Licensees may use the words “psychotherapy” or “psychotherapist” in an advertisement provided that all the applicable requirements of subsection (a) are met.

(d) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and are in compliance with Section 651 of the Code. For purposes of this subdivision, “earned” shall not mean an honorary or other degree conferred without actual study in the educational field.

(e) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

(f) For the purposes of this section, “acceptable abbreviation” means the abbreviation listed in subsection (a)(2) of this Section.

California Code of Regulation Title 16 (16 CCR) §1815.5 (All Board License/Registration Types)

§1815.5 Standards of Practice for Telehealth.

(a) All persons engaging in the practice of marriage and family therapy, educational psychology, clinical social work, or professional clinical counseling via telehealth, as defined in Section 2290.5 of the Code, with a client who is physically located in this State must have a valid and current license or registration issued by the Board.

(b) All psychotherapy services offered by board licensees and registrants via telehealth fall within the jurisdiction of the board just as traditional face-to-face services do. Therefore, all psychotherapy services offered via telehealth are subject to the board's statutes and regulations.

(c) Upon initiation of telehealth services, a licensee or registrant shall do the following:

(1) Obtain informed consent from the client consistent with Section 2290.5 of the Code.

(2) Inform the client of the potential risks and limitations of receiving treatment via telehealth.

(3) Provide the client with his or her license or registration number and the type of license or registration.

(4) Document reasonable efforts made to ascertain the contact information of relevant resources, including emergency services, in the patient's geographic area.

(d) Each time a licensee or registrant provides services via telehealth, he or she shall do the following:

(1) Verbally obtain from the client and document the client's full name and address of present location, at the beginning of each telehealth session.

(2) Assess whether the client is appropriate for telehealth, including, but not limited to, consideration of the client's psychosocial situation.

(3) Utilize industry best practices for telehealth to ensure both client confidentiality and the security of the communication medium.

(e) A licensee or registrant of this state may provide telehealth services to clients located in another jurisdiction only if the California licensee or registrant meets the requirements to lawfully provide services in that jurisdiction, and delivery of services via telehealth is allowed by that jurisdiction.

(f) Failure to comply with these provisions shall be considered unprofessional conduct.