



Board of Behavioral Sciences

Memo

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To: Committee Members

Date: December 8, 2022

From: Rosanne Helms
Legislative Manager

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Subject: Discussion of Pastoral Counseling

The law requires a valid and active license or registration in order to provide services within the scope of the Board's practice acts, unless an individual is working in an exempt setting (defined as a school, college, university, governmental entity, or an institution that is both nonprofit and charitable), or is in a profession that is exempted.

Currently, the law exempts priests, rabbis, and ministers of the gospel of any religious denomination, as follows:

LMFTs

BPC §4980.01 (b)

This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of their pastoral or professional duties, or to any person who is admitted to practice law in the state, or a physician and surgeon who provides counseling services as part of their professional practice.

LPCCs

BPC §4999.22 (c)

This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination who performs counseling services as part of their pastoral or professional duties, or to any person who is admitted to practice law in this state, or who is licensed to practice medicine, who provides counseling services as part of their professional practice.

LCSWs

BPC §4996.13 (f)

Nothing in this article shall prevent qualified members of other professional groups from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, they shall not hold themselves out to the public by any

title or description of services incorporating the words psychosocial, or clinical social worker, or that they shall not state or imply that they are licensed to practice clinical social work. These qualified members of other professional groups include, but are not limited to, the following:

(f) A priest, rabbi, or minister of the gospel of any religious denomination.

Enforcement

The Board has occasionally received complaints about an individual who appears to be practicing independently without a license. The person is ordained by a religious entity, but not performing services as part of their ministerial duties. Although this is likely not the intent of the law, the Board is typically unable to take disciplinary action (by issuing a citation). Therefore, the Board may wish to consider clarifying the circumstances under which pastoral counseling is exempt from licensure.

Other States

Staff found laws in three other states where the law provided more specificity regarding the allowance of pastoral counseling.

1. Texas

Texas LMFT law¹ defines a recognized religious practitioner as follows:

Recognized religious practitioner--A rabbi, clergyman, or person of similar status who is a member in good standing of and accountable to a legally recognized denomination or legally recognizable religious denomination or legally recognizable religious organization and other individuals participating with them in pastoral counseling if:

- (A) the therapy activities are within the scope of the performance of regular or specialized ministerial duties and are performed under the auspices of sponsorship of an established and legally recognized church, denomination or sect, or an integrated auxiliary of a church as defined in 26 CFR §1.6033-2(h) (relating to Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980));
- (B) the individual providing the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary; and
- (C) the person does not use the title of or hold himself or herself out as a licensed marriage and family therapist.

¹ Law shown applies to Texas State Board of Examiners of Marriage and Family Therapists. [Texas Administrative Code Title 22, Part 35, §801.2\(22\)](#)

2. Florida

Florida statute regulating clinical, counseling, and psychotherapy services provides the following²:

No provision of this chapter shall be construed to limit the performance of activities of a rabbi, priest, minister, or member of the clergy of any religious denomination or sect, or use of the terms “Christian counselor” or “Christian clinical counselor” when the activities are within the scope of the performance of his or her regular or specialized ministerial duties and no compensation is received by him or her, or when such activities are performed, with or without compensation, by a person for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

3. Arizona

Arizona statute applying to the Board of Behavioral Health Examiners provides the following³:

A rabbi, priest, minister or member of the clergy of any religious denomination or sect if the activities and services that person performs are within the scope of the performance of the regular or specialized ministerial duties of an established and legally recognizable church, denomination or sect and the person performing the services remains accountable to the established authority of the church, denomination or sect.

Recommendation

Conduct an open discussion regarding whether any changes should be made to the Board’s statutes related to pastoral counseling.

² The 2022 Florida Statutes, [Title XXXII, Chapter 491 §491.014\(3\)](#)

³ Arizona Revised Statutes, [Title 32, §32-3271\(A\)\(3\)](#)