



Board of Behavioral Sciences

Memo

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Board Members **Date:** February 20, 2024

From: Rosanne Helms
Legislative Manager

Subject: Discussion and Possible Action Regarding Proposed Amendments to Board-Sponsored Legislation: SB 1024 (Ochoa Bogh) Healing Arts: Board of Behavioral Sciences: Licensees and Registrants (Business and Professions Code (BPC) §§ 4980.31, 4980.32, 4980.43.2, 4980.43.4, 4989.17, 4989.48, 4996.7, 4996.8, 4996.23.1, 4996.23.3, 4996.75, 4999.46.2, 4999.46.4, 4999.70, and 4999.71)

Summary

The Board is sponsoring [SB 1024](#) (Ochoa Bogh) this year. The Board approved the amendments currently in bill at its meeting on November 17, 2023.

Background

At this time, the bill proposes the following two changes to the Board's practice acts:

1. Changes to Requirements Regarding the Physical Display of a License or Registration

All licensees and registrants receive a paper copy of their license or registration from the Board. This copy contains the person's name, license number, type of license, and expiration date. The law requires that they display this license in a conspicuous place in their primary place of practice. This law was likely written this way before the Board had an online license lookup feature, to ensure a client could see that their therapist actually had a license or registration when in the office for an appointment.

The increased use of telehealth in therapy suggests that this law needs updating. Some therapists' primary place of practice may be virtual, or they may be seeing clients via telephone, making it difficult or impossible for the physical paper copy of the license or registration to be on display.

As a solution, the Board is proposing to remove the requirement to physically display a license or registration. Instead, it proposes requiring that a therapist

provide their license information in the written notice to clients that therapists are already required to provide prior to initiating psychotherapy services.

2. Clarifying who Qualifies as a “Supervisee”

All individuals seeking a license with the Board are required to register with the Board as an associate and gain 3,000 hours of experience under supervision upon graduation from their qualifying master’s degree program.

The law uses the term “supervisees” to refer to those individuals required by the Board to be under supervision. To ensure quality supervision, there are some circumstances in which the law limits the number of “supervisees” per supervisor. However, due to ambiguity in its interpretation, this bill is proposing amendments to further clarify who qualifies as a “supervisee”.

Discussion of Proposed Additional Amendments

Legislative Counsel and the Legislature’s Business and Professions Committee have provided preliminary feedback on the proposed language. Based on that feedback, staff is recommending the Board consider several amendments to the bill. The amendments fall into the following categories and are shown in red text in **Attachments A and B**.

1. **Amendments to license display and required notice requirements.**

*Sections Affected: BPC §§4980.31, 4980.32, 4989.17, 4989.48, 4996.7, 4996.75, 4999.70, 4999.71. (See **Attachment A**)*

The Board received feedback that it might be appropriate to continue to require the physical display of a license if a therapist is seeing clients in person. Therefore, staff is recommending an amendment to require this. The bill would continue to propose requiring the licensee or registrant’s license or registration information be included in the required notice to consumers, which means that consumers would be provided this information at the beginning of services, regardless of whether therapy is in person or via telehealth.

Additionally, the bill is currently proposing that the required notice contain specified information about a therapist’s license, and it additionally requires that a licensee must inform their clients of any changes to the active status of their license. Based on feedback that this may cause confusion, staff is suggesting that the amendment to require notification if the active status changes be deleted. If a license falls out of active status, the licensee is not allowed to see clients, and therefore would already have to inform the client.

2. Standardize the use of the term “individual” versus “person” throughout the language.

Where the bill proposes limiting the number of persons receiving supervision, Legislative Counsel noted that in some places the bill limits the number of “individuals” and in other places it limits the number of “persons.” They advised that a consistent term should be chosen. Staff has chosen to replace the term “individuals” with “persons” in these instances.

*Sections Affected: BPC §§4980.43.4, 4996.23.3, 4999.46.4. (See **Attachment A**)*

3. Strike obsolete date of July 1, 2020.

*Sections Affected: BPC §§ 4980.32, 4989.17, 4996.75, 4999.71. (See **Attachment A**)*

The reference to July 1, 2020 in the above-referenced sections represents the effective date after which the required notice to clients must be delivered to all new clients. As the date has already passed, it is no longer needed and should be deleted for clarity.

4. Add duplicate language due to sunseting section.

*Sections Affected: BPC §§4980.43.2, 4996.23.1, 4999.46.2. (See **Attachment B**)*

*Note: This particular amendment is being shown in a separate attachment, **Attachment B**, for clarity purposes. The sections shown in that attachment will need to be both added to the bill and amended.*

The bill already makes amendments to the currently operative version of these sections. However, there is a second version of these sections in law that becomes effective January 1, 2026, if the Board elects not to extend the allowance that permits supervision via videoconferencing in all settings. Legislative Counsel has advised that the Board needs to have proposed amendments in this bill in both versions of these sections, so that if the Board decides in the future that the currently operative version of these sections should sunset in 2026, the new provisions that this bill is proposing do not also sunset.

Recommendation

Conduct an open discussion of the proposed changes shown in red in **Attachments A** and **B**. Direct staff to make any discussed changes and any non-substantive changes, and amend the language in **Attachments A** and **B** into SB 1024.

Attachments

Attachment A: Proposed SB 1024 Amendments (Items 1-3 above)

Attachment B: Additional Proposed SB 1024 amendments (Item 4 above)

Attachment A

SENATE BILL

No. 1024

Introduced by Senator Ochoa Bogh

February 6, 2024

An act to amend Sections 4980.32, 4980.43.2, 4980.43.4, 4989.17, 4996.23.1, 4996.23.3, 4996.75, 4999.46.2, 4999.46.4, and 4999.71 of, and to repeal Sections 4980.31, 4989.48, 4996.7, 4996.8, and 4999.70 of, the Business and Professions Code, relating to healing arts.

legislative counsel's digest

SB 1024, as introduced, Ochoa Bogh. Healing arts: Board of Behavioral Sciences: licensees and registrants.

(1) Existing law establishes the Board of Behavioral Sciences within the Department of Consumer Affairs and requires the board to regulate various registrants and licensees under the Licensed Marriage and Family Therapist Act (LMFTA), the Educational Psychologist Practice Act (EPPA), the Clinical Social Worker Practice Act (CSWPA), and the Licensed Professional Clinical Counselor Act (LPCCA). Existing law makes a violation of the provisions under those acts a crime.

Existing law, under those acts, requires a licensee to display their license in a conspicuous place in the licensee's primary place of practice. Existing law requires a licensee or registrant to provide, before initiating specified services or as soon as practicably possible thereafter, a client with a prescribed written notice that specifies that the board receives and responds to complaints regarding services within the scope of the licensed practiced, among other things.

This bill would repeal the requirement that a licensee display their license in a conspicuous place in the licensee's primary place of practice. The bill, commencing July 1, 2025, would require the above-described written notice to additionally include information about the licensee or registrant, including, among others, the licensee's or registrant's full

name as filed with the board and the license or registration number, as prescribed. The bill would require a licensee or registrant to inform their clients of any change to the active status of their license or registration.

(2) Existing law, under the LMFTA, CSWPA, and LPCCA, requires an applicant for licensure to have, among other things, at least one hour of direct supervisor contact, as defined, in each week for which experience is credited in each work setting. For purposes of that definition, existing law refers to the individual receiving supervision as the supervisee. Existing law prohibits supervisors of supervisees, as specified, from serving as individual or triadic supervisors for more than 6 supervisees at any time, as provided.

This bill would revise the definition of “one hour of direct supervisor contact,” delete references to “supervisee,” and instead refer to that individual as the person receiving supervision for providing clinical mental health services. The bill would delete the above-described prohibition and instead prohibit supervisors in nonexempt settings from serving as individual or triadic supervisors for more than a total of 6 individuals who are receiving supervision for providing clinical mental health services in a nonexempt setting.

(3) Existing law, under the CSWPA, requires a licensee to complete specified actions on or before the expiration date of the license to renew an unexpired license. Existing law requires the current renewal receipt to be displayed near the licensee’s license.

This bill would repeal the above-described requirement that the current renewal receipt be displayed near the licensee’s license.

(4) Because the bill would impose new requirements on licensees and registrants under the LMFTA, EPPA, CSWPA, and LPCCA, the violation of which is a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4980.31 of the Business and Professions
2 Code is repealed.

3 ~~4980.31. A licensee shall display his or her license in a~~
4 ~~conspicuous place in the licensee’s primary place of practice.~~ A licensee shall display their
license in a conspicuous place in the licensee’s primary place of practice when seeing clients in
person.

5 SEC. 2. Section 4980.32 of the Business and Professions Code
6 is amended to read:

7 4980.32. (a) ~~On and after July 1, 2020, a~~ A licensee or
registrant

8 shall provide a client with a notice written in at least 12-point type
9 prior to initiating psychotherapy services, or as soon as practicably
10 possible thereafter, that reads as follows:

11
12 NOTICE TO CLIENTS

13 The Board of Behavioral Sciences receives and responds to
14 complaints regarding services provided within the scope of practice
15 of marriage and family therapists. You may contact the board
16 online at www.bbs.ca.gov, or by calling (916) 574-7830.

17
18 *(b) On and after July 1, 2025, upon initiation of psychotherapy*
19 *services with a client, the notice described in subdivision (a) shall*
20 *also include the licensee’s or registrant’s full name as filed with*
21 *the board, the license or registration number, the type of license*
22 *or registration, and the license or registration expiration date.*

23 ~~(b) The delivery~~

24 *(c) Delivery of the notice required by this section to the client*
25 *shall be documented.*

26 ~~*(d) A licensee or registrant shall inform their clients of any*~~
27 ~~*change to the active status of their license or registration.*~~

28 SEC. 3. Section 4980.43.2 of the Business and Professions
29 Code, as amended by Section 1 of Chapter 204 of the Statutes of
30 2022, is amended to read:

31 4980.43.2. (a) Except for experience gained by attending
32 workshops, seminars, training sessions, or conferences, as
33 described in paragraph (10) of subdivision (c) of Section 4980.43,
34 direct supervisor contact shall occur as follows:

35 (1) Supervision shall include at least one hour of direct
36 supervisor contact in each week for which experience is credited
37 in each work setting.

1 (2) A trainee shall receive an average of at least one hour of
 2 direct supervisor contact for every five hours of direct clinical
 3 counseling performed each week in each setting. For experience
 4 gained on or after January 1, 2009, no more than six hours of
 5 supervision, whether individual, triadic, or group, shall be credited
 6 during any single week.

7 (3) An associate gaining experience who performs more than
 8 10 hours of direct clinical counseling in a week in any setting shall
 9 receive at least one additional hour of direct supervisor contact for
 10 that setting. For experience gained on or after January 1, 2009, no
 11 more than six hours of supervision, whether individual, triadic, or
 12 group, shall be credited during any single week.

13 (4) Of the 104 weeks of required supervision, 52 weeks shall
 14 be individual supervision, triadic supervision, or a combination of
 15 both.

16 (b) (1) For purposes of this chapter, “one hour of direct
 17 supervisor contact” means any of the following:

18 (A) Individual supervision, which means one hour of
 19 face-to-face contact between one supervisor and one ~~supervisee.~~
 20 *person receiving supervision for providing clinical mental health*
 21 *services.*

22 (B) Triadic supervision, which means one hour of face-to-face
 23 contact between one supervisor and two ~~supervisees.~~ *persons*
 24 *receiving supervision for providing clinical mental health services.*

25 (C) Group supervision, which means two hours of face-to-face
 26 contact between one supervisor and no more than eight ~~supervisees.~~
 27 *persons receiving supervision for providing clinical mental health*
 28 *services.* Segments of group supervision may be split into no less
 29 than one continuous hour. A supervisor shall ensure that the amount
 30 and degree of supervision is appropriate for each ~~supervisee.~~ *person*
 31 *in the group.*

32 (2) For purposes of this subdivision, “face-to-face contact”
 33 means in-person contact, contact via two-way, real-time
 34 videoconferencing, or some combination of these.

35 (c) The supervisor shall be responsible for ensuring compliance
 36 with federal and state laws relating to confidentiality of patient
 37 health information.

38 (d) (1) Within 60 days of the commencement of supervision,
 39 a supervisor shall conduct a meeting with the supervisee during
 40 which the supervisor shall assess the appropriateness of allowing

1 the supervisee to receive supervision via two-way, real-time
2 videoconferencing. This assessment of appropriateness shall
3 include, but is not limited to, the abilities of the supervisee, the
4 preferences of both the supervisee and supervisor, and the privacy
5 of the locations of the supervisee and supervisor while supervision
6 is conducted.

7 (2) The supervisor shall document the results of the assessment
8 made pursuant to paragraph (1), and shall not utilize supervision
9 via two-way, real-time videoconferencing if their assessment finds
10 it is not appropriate.

11 (e) Direct supervisor contact shall occur within the same week
12 as the hours claimed.

13 (f) Alternative supervision may be arranged during a
14 supervisor’s vacation or sick leave if the alternative supervision
15 meets the requirements of this chapter.

16 (g) Notwithstanding any other law, once the required number
17 of experience hours are gained, associates and applicants for
18 licensure shall receive a minimum of one hour of direct supervisor
19 contact per week for each practice setting in which direct clinical
20 counseling is performed. Once the required number of experience
21 hours are gained, further supervision for nonclinical practice, as
22 defined in paragraph (10) of subdivision (c) of Section 4980.43,
23 shall be at the supervisor’s discretion.

24 (h) This section shall remain in effect only until January 1, 2026,
25 and as of that date is repealed.

26 SEC. 4. Section 4980.43.4 of the Business and Professions
27 Code is amended to read:

28 4980.43.4. (a) A trainee, associate, or applicant for licensure
29 shall only perform mental health and related services at the places
30 where their employer permits business to be conducted.

31 (b) An associate who is employed by or is volunteering in a
32 private practice or a professional corporation shall be supervised
33 by an individual who is both of the following:

34 (1) Is employed by or contracted by the associate’s employer
35 or is an owner of the private practice or professional corporation.

36 (2) Either provides psychotherapeutic services to clients for the
37 associate’s employer, or meets both of the following:

38 (A) The supervisor and the associate’s employer have a written
39 contract providing the supervisor the same access to the associate’s
40 clinical records provided to employees of that employer.

1 (B) The associate’s clients authorize the release of their clinical
2 records to the supervisor.

3 (c) ~~Supervisors of supervisees~~ *At any one time, supervisors* in
4 ~~a nonexempt setting~~ *settings* shall not serve as individual or triadic
5 supervisors for more than ~~a total of six supervisees at any time.~~
6 ~~Supervisees may be registered as associate marriage and family~~
7 ~~therapists, associate professional clinical counselors, associate~~
8 ~~clinical social workers, or any combination of those registrations.~~
9 *individuals* ~~persons~~ who are receiving supervision for providing
10 *clinical*
11 *mental health services in a nonexempt setting.*

12 (d) A written oversight agreement, as specified by the board by
13 regulation, shall be executed between the supervisor and employer
14 when the supervisor is not employed by the supervisee’s employer
15 or is a volunteer. The supervisor shall evaluate the site or sites
16 where the supervisee will be gaining experience to determine that
17 the site or sites comply with the requirements of this chapter.

18 SEC. 5. Section 4989.17 of the Business and Professions Code
19 is amended to read:

20 4989.17. (a) ~~On and after July 1, 2020, a~~ A licensee shall provide
21 a client with a notice written in at least 12-point type prior to
22 initiating psychological services, or as soon as practicably possible
23 thereafter, that reads as follows:

24 NOTICE TO CLIENTS

25 The Board of Behavioral Sciences receives and responds to
26 complaints regarding services provided within the scope of practice
27 of licensed educational psychologists. You may contact the board
28 online at www.bbs.ca.gov, or by calling (916) 574-7830.

29
30 (b) *On and after July 1, 2025, upon initiation of psychological*
31 *services with a client, the notice described in subdivision (a) shall*
32 *also include the licensee’s full name as filed with the board, the*
33 *license number, the type of license, and the license expiration date.*

34 ~~(b)~~

35 (c) Delivery of the notice required by this section to the client
36 shall be documented.

37 ~~(d) A licensee shall inform their clients of any change to the~~
38 ~~active status of their license.~~

39 SEC. 6. Section 4989.48 of the Business and Professions Code
40 is repealed.

1 4989.48. ~~A licensee shall display his or her license in a~~
 2 ~~conspicuous place in the licensee’s primary place of practice.~~ A licensee shall display their
license in a conspicuous place in the licensee’s primary place of practice when seeing clients in
 3 person.

3 SEC. 7. Section 4996.23.1 of the Business and Professions
 4 Code, as amended by Section 3 of Chapter 204 of the Statutes of
 5 2022, is amended to read:

6 4996.23.1. (a) Except for experience gained by attending
 7 workshops, seminars, training sessions, or conferences, as
 8 described in paragraph (3) of subdivision (d) of Section 4996.23,
 9 direct supervisor contact shall occur as follows:

10 (1) Supervision shall include at least one hour of direct
 11 supervisor contact each week for which experience is credited in
 12 each work setting.

13 (2) An associate gaining experience who performs more than
 14 10 hours of direct clinical counseling in a week in any setting shall
 15 receive at least one additional hour of direct supervisor contact for
 16 that setting.

17 (b) (1) For purposes of this chapter, “one hour of direct
 18 supervisor contact” means any of the following:

19 (A) Individual supervision, which means one hour of
 20 face-to-face contact between one supervisor and ~~one supervisee.~~
 21 *person receiving supervision for providing clinical mental health*
 22 *services.*

23 (B) Triadic supervision, which means one hour of face-to-face
 24 contact between one supervisor and ~~two supervisees.~~ *persons*
 25 *receiving supervision for providing clinical mental health services.*

26 (C) Group supervision, which means two hours of face-to-face
 27 contact between one supervisor and ~~no more than eight supervisees.~~
 28 *persons receiving supervision for providing clinical mental health*
 29 *services.* Segments of group supervision may be split into no less
 30 than one continuous hour. A supervisor shall ensure that the amount
 31 and degree of supervision is appropriate for each ~~supervisee.~~ *person*
 32 *in the group.*

33 (2) For purposes of this subdivision, “face-to-face contact”
 34 means in-person contact, contact via two-way, real-time
 35 videoconferencing, or some combination of these.

36 (c) The supervisor shall be responsible for ensuring compliance
 37 with federal and state laws relating to confidentiality of patient
 38 health information.

39 (d) (1) Within 60 days of the commencement of supervision,
 40 a supervisor shall conduct a meeting with the supervisee during

1 which the supervisor shall assess the appropriateness of allowing
2 the supervisee to receive supervision via two-way, real-time
3 videoconferencing. This assessment of appropriateness shall
4 include, but is not limited to, the abilities of the supervisee, the
5 preferences of both the supervisee and supervisor, and the privacy
6 of the locations of the supervisee and supervisor while supervision
7 is conducted.

8 (2) The supervisor shall document the results of the assessment
9 made pursuant to paragraph (1), and shall not utilize supervision
10 via two-way, real-time videoconferencing if their assessment finds
11 it is not appropriate.

12 (e) Direct supervisor contact shall occur within the same week
13 as the hours claimed.

14 (f) Of the 104 weeks of required supervision, 52 weeks shall be
15 individual supervision, triadic supervision, or a combination of
16 both.

17 (g) Of the 52 weeks of required individual or triadic supervision,
18 no less than 13 weeks shall be supervised by a licensed clinical
19 social worker.

20 (h) Alternative supervision may be arranged during a
21 supervisor’s vacation or sick leave if the alternative supervision
22 meets the requirements of this chapter.

23 (i) Notwithstanding any other law, once the required number
24 of experience hours are gained, an associate clinical social worker
25 or applicant for licensure shall receive a minimum of one hour of
26 direct supervisor contact per week for each practice setting in
27 which direct clinical counseling is performed. Once the required
28 number of experience hours are gained, further supervision for
29 nonclinical practice, as described in paragraph (3) of subdivision
30 (d) of Section 4996.23, shall be at the supervisor’s discretion.

31 (j) This section shall remain in effect only until January 1, 2026,
32 and as of that date is repealed.

33 SEC. 8. Section 4996.23.3 of the Business and Professions
34 Code is amended to read:

35 4996.23.3. (a) An associate clinical social worker or an
36 applicant for licensure shall only perform mental health and related
37 services at the places where their employer permits business to be
38 conducted.

1 (b) An associate who is employed by, or volunteering in, a
2 private practice or a professional corporation shall be supervised
3 by an individual who is both of the following:

4 (1) Is employed by or contracted by the associate’s employer
5 or is an owner of the private practice or professional corporation.

6 (2) Either provides psychotherapeutic services to clients for the
7 associate’s employer, or meets both of the following:

8 (A) The supervisor and the associate’s employer have a written
9 contract providing the supervisor the same access to the associate’s
10 clinical records provided to employees of that employer.

11 (B) The associate’s clients authorize the release of their clinical
12 records to the supervisor.

13 ~~Supervisors of supervisees~~ *At any one time, supervisors in*
14 ~~a nonexempt setting~~ *settings shall not serve as individual or triadic*
15 ~~supervisors for more than a total of six supervisees at any time.~~
16 ~~Supervisees may be registered as associate marriage and family~~
17 ~~therapists, associate professional clinical counselors, associate~~
18 ~~clinical social workers, or any combination of those registrations.~~
19 *individuals persons who are receiving supervision for providing clinical*
20 *mental health services in a nonexempt setting.*

21 (d) A written oversight agreement, as specified by the board by
22 regulation, shall be executed between the supervisor and employer
23 when the supervisor is not employed by the supervisee’s employer
24 or is a volunteer. The supervisor shall evaluate the site or sites
25 where the supervisee will be gaining experience to determine that
26 the site or sites comply with the requirements of this chapter.

27 SEC. 9. Section 4996.7 of the Business and Professions Code
28 is repealed.

29 ~~4996.7. A licensee shall display his or her license in a~~
30 ~~conspicuous place in the licensee’s primary place of practice.~~ A licensee shall display their
license in a conspicuous place in the licensee’s primary place of practice when seeing clients in
person.

31 SEC. 10. Section 4996.75 of the Business and Professions
32 Code is amended to read:

33 4996.75. (a) ~~On and after July 1, 2020, a~~ licensee or registrant
34 shall provide a client with a notice written in at least 12-point type
35 prior to initiating psychotherapy services, or as soon as practicably
36 possible thereafter, that reads as follows:

37

38 NOTICE TO CLIENTS

39 The Board of Behavioral Sciences receives and responds to
40 complaints regarding services provided within the scope of practice

1 of clinical social workers. You may contact the board online at
2 www.bbs.ca.gov, or by calling (916) 574-7830.

3
4 *(b) On and after July 1, 2025, upon initiation of psychotherapy*
5 *services with a client, the notice described in subdivision (a) shall*
6 *also include the licensee’s or registrant’s full name as filed with*
7 *the board, the license or registration number, the type of license*
8 *or registration, and the license or registration expiration date.*

9 ~~(b)~~
10 (c) Delivery of the notice required by this section to the client
11 shall be documented.

12 ~~(d) A licensee or registrant shall inform their clients of any~~
13 ~~change to the active status of their license or registration.~~

14 SEC. 11. Section 4996.8 of the Business and Professions Code
15 is repealed.

16 ~~4996.8. The current renewal receipt shall be displayed near the~~
17 ~~license.~~

18 SEC. 12. Section 4999.46.2 of the Business and Professions
19 Code, as amended by Section 5 of Chapter 204 of the Statutes of
20 2022, is amended to read:

21 4999.46.2. (a) Except for experience gained by attending
22 workshops, seminars, training sessions, or conferences, as
23 described in paragraph (4) of subdivision (c) of Section 4999.46,
24 direct supervisor contact shall occur as follows:

25 (1) Supervision shall include at least one hour of direct
26 supervisor contact in each week for which experience is credited
27 in each work setting.

28 (2) A trainee shall receive an average of at least one hour of
29 direct supervisor contact for every five hours of direct clinical
30 counseling performed each week in each setting. For experience
31 gained after January 1, 2009, no more than six hours of supervision,
32 whether individual, triadic, or group, shall be credited during any
33 single week.

34 (3) An associate gaining experience who performs more than
35 10 hours of direct clinical counseling in a week in any setting shall
36 receive at least one additional hour of direct supervisor contact for
37 that setting. For experience gained after January 1, 2009, no more
38 than six hours of supervision, whether individual supervision,
39 triadic supervision, or group supervision, shall be credited during
40 any single week.

1 (4) Of the 104 weeks of required supervision, 52 weeks shall
2 be individual supervision, triadic supervision, or a combination of
3 both.

4 (b) (1) For purposes of this chapter, “one hour of direct
5 supervisor contact” means any of the following:

6 (A) Individual supervision, which means one hour of
7 face-to-face contact between one supervisor and one ~~supervisee.~~
8 *person receiving supervision for providing clinical mental health*
9 *services.*

10 (B) Triadic supervision, which means one hour of face-to-face
11 contact between one supervisor and two ~~supervisees.~~ *persons*
12 *receiving supervision for providing clinical mental health services.*

13 (C) Group supervision, which means two hours of face-to-face
14 contact between one supervisor and no more than eight ~~supervisees.~~
15 *persons receiving supervision for providing clinical mental health*
16 *services.* Segments of group supervision may be split into no less
17 than one continuous hour. The supervisor shall ensure that the
18 amount and degree of supervision is appropriate for each
19 ~~supervisee.~~ *person in the group.*

20 (2) For purposes of this subdivision, “face-to-face contact”
21 means in-person contact, contact via two-way, real-time
22 videoconferencing, or some combination of these.

23 (c) The supervisor shall be responsible for ensuring compliance
24 with federal and state laws relating to confidentiality of patient
25 health information.

26 (d) (1) Within 60 days of the commencement of supervision,
27 a supervisor shall conduct a meeting with the supervisee during
28 which the supervisor shall assess the appropriateness of allowing
29 the supervisee to receive supervision via two-way, real-time
30 videoconferencing. This assessment of appropriateness shall
31 include, but is not limited to, the abilities of the supervisee, the
32 preferences of both the supervisee and supervisor, and the privacy
33 of the locations of the supervisee and supervisor while supervision
34 is conducted.

35 (2) The supervisor shall document the results of the assessment
36 made pursuant to paragraph (1), and shall not utilize supervision
37 via two-way, real-time videoconferencing if their assessment finds
38 it is not appropriate.

39 (e) Direct supervisor contact shall occur within the same week
40 as the hours claimed.

1 (f) Alternative supervision may be arranged during a
 2 supervisor's vacation or sick leave if the alternative supervision
 3 meets the requirements in this chapter.

4 (g) Notwithstanding any other law, once the required number
 5 of experience hours are gained, associates and applicants for
 6 licensure shall receive a minimum of one hour of direct supervisor
 7 contact per week for each practice setting in which direct clinical
 8 counseling is performed. Once the required number of experience
 9 hours are gained, further supervision for nonclinical practice, as
 10 defined in paragraph (4) of subdivision (c) of Section 4999.46,
 11 shall be at the supervisor's discretion.

12 (h) This section shall remain in effect only until January 1,
 13 2026, and as of that date is repealed.

14 SEC. 13. Section 4999.46.4 of the Business and Professions
 15 Code is amended to read:

16 4999.46.4. (a) A clinical counselor trainee, associate, or
 17 applicant for licensure shall only perform mental health and related
 18 services at the places where their employer permits business to be
 19 conducted.

20 (b) An associate who is employed by or volunteering in a private
 21 practice or a professional corporation shall be supervised by an
 22 individual who is both of the following:

23 (1) Is employed by or contracted by the associate's employer
 24 or is an owner of the private practice or professional corporation.

25 (2) Either provides psychotherapeutic services to clients for the
 26 associate's employer, or meets both of the following:

27 (A) The supervisor and the associate's employer have a written
 28 contract providing the supervisor the same access to the associate's
 29 clinical records provided to employees of that employer.

30 (B) The associate's clients authorize the release of their clinical
 31 records to the supervisor.

32 ~~Supervisors of supervisees~~ *At any one time, supervisors in*
 33 ~~a nonexempt setting~~ *settings shall not serve as individual or triadic*
 34 ~~supervisors for more than a total of six supervisees at any time.~~
 35 ~~Supervisees may be registered as associate marriage and family~~
 36 ~~therapists, associate professional clinical counselors, associate~~
 37 ~~clinical social workers, or any combination of these registrations.~~
 38 *individuals* ~~persons~~ *who are receiving supervision for providing clinical*
 39 *mental health services in a nonexempt setting.*

1 (d) A written oversight agreement, as specified by the board by
 2 regulation, shall be executed between the supervisor and employer
 3 when the supervisor is not employed by the supervisee’s employer
 4 or is a volunteer. The supervisor shall evaluate the site or sites
 5 where the supervisee will be gaining experience to determine that
 6 the site or sites comply with the requirements of this chapter.

7 SEC. 14. Section 4999.70 of the Business and Professions
 8 Code is repealed.

9 ~~4999.70. A licensee shall display his or her license in a~~
 10 ~~conspicuous place in his or her primary place of practice.~~ A licensee shall display their license
in a conspicuous place in the licensee’s primary place of practice when seeing clients in person.

11 SEC. 15. Section 4999.71 of the Business and Professions
 12 Code is amended to read:

13 ~~4999.71. (a) Effective *On and after July 1, 2020,* a~~ licensee
 14 or registrant shall provide a client with a notice written in at least
 15 12-point type prior to initiating psychotherapy services, or as soon
 16 as practicably possible thereafter, that reads as follows:

17

18 NOTICE TO CLIENTS

19 The Board of Behavioral Sciences receives and responds to
 20 complaints regarding services provided within the scope of practice
 21 of professional clinical counselors. You may contact the board
 22 online at www.bbs.ca.gov, or by calling (916) 574-7830.

23

24 *(b) On and after July 1, 2025, upon initiation of psychotherapy*
 25 *services with a client, the notice described in subdivision (a) shall*
 26 *also include the licensee’s or registrant’s full name as filed with*
 27 *the board, the license or registration number, the type of license*
 28 *or registration, and the license or registration expiration date.*

29 ~~(b) The delivery~~

30 *(c) Delivery* of the notice required by this section to the client
 31 shall be documented.

32 ~~*(d) A licensee or registrant shall inform their clients of any*~~
 33 ~~*change to the active status of their license or registration.*~~

34 SEC. 16. No reimbursement is required by this act pursuant to
 35 Section 6 of Article XIII B of the California Constitution because
 36 the only costs that may be incurred by a local agency or school
 37 district will be incurred because this act creates a new crime or
 38 infraction, eliminates a crime or infraction, or changes the penalty
 39 for a crime or infraction, within the meaning of Section 17556 of
 40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O

ATTACHMENT B
PROPOSED ADDITIONAL SECTIONS TO AMEND
BPC §§4980.43.2, 4996.23.1, 4999.46.2

Amend BPC §4980.43.2.

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (10) of subdivision (c) of Section 4980.43, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one ~~supervisee~~person receiving supervision for providing clinical mental health services.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two ~~supervisees~~persons receiving supervision for providing clinical mental health services.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight ~~supervisees~~persons receiving supervision for providing clinical mental health services. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each ~~supervisee~~person in the group.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Alternative supervision may be arranged during a supervisor’s vacation or sick leave if the alternative supervision meets the requirements of this chapter.

(e) Notwithstanding subdivision (b), a supervisee working in an exempt setting described in Section 4980.01 may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(f) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (10) of subdivision (c) of Section 4980.43, shall be at the supervisor's discretion.

(g) This section shall become operative on January 1, 2026.

Amend BPC §4996.23.1.

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (d) of Section 4996.23, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact each week for which experience is credited in each work setting.

(2) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting.

(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one ~~supervisee~~person receiving supervision for providing clinical mental health services.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two ~~supervisees~~persons receiving supervision for providing clinical mental health services.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight ~~supervisees~~persons receiving supervision for providing clinical mental health services. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each ~~supervisee~~person in the group.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(e) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.

(f) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements of this chapter.

(g) Notwithstanding subdivision (b), a supervisee working in an exempt setting described in Section 4996.14 may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.

(h) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as described in paragraph (3) of subdivision (d) of Section 4996.23, shall be at the supervisor's discretion.

(i) This section shall become operative on January 1, 2026.

Amend BPC §4999.46.2.

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (4) of subdivision (c) of Section 4999.46, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual supervision, triadic supervision, or group supervision, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee-person receiving supervision for providing clinical mental health services.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees-persons receiving supervision for providing clinical mental health services.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees-persons receiving supervision for providing clinical mental health services. Segments of group supervision may be split into no less than one continuous hour. The supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee-person in the group.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Alternative supervision may be arranged during a supervisor’s vacation or sick leave if the alternative supervision meets the requirements in this chapter.

(e) Notwithstanding subdivision (b), a supervisee working in an exempt setting described in Section 4999.22 may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(f) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (4) of subdivision (c) of Section 4999.46, shall be at the supervisor’s discretion.

(g) This section shall become operative on January 1, 2026.